SPEECHES

OF THE

MANAGERS AND COUNSEL

IN THE

TRIAL OF WARREN HASTINGS.

EDITED BY

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A

SUMMARY

OF

PROCEEDINGS ON THE TRIAL.

It has been suggested as desirable to connect the several speeches contained in the present publication by notices of the intervening proceedings on the trial; and it has been judged that such notices would be most conveniently introduced by being brought together, in a narrative form, at the commencement of each volume. In entering on the plan at the present point, it will be necessary to supply here what should properly have been prefixed to the first volume—to join with the account of the proceedings connected with this portion of the work a view of the course of the trial from its commencement. Any indication of opinion in favour of either the prosecution or defence will be avoided; and nothing further will be attempted than to narrate the occurrences of each day's sitting of the Court, and briefly to refer to public incidents directly influencing or growing out of the impeachment, in order that the progress of the trial may be present to the reader's mind as he takes up each succeeding speech. Plan of the Summary.

Little occurred that requires mention during the period embraced in the first volume: the speeches themselves are the engrossing objects of the earlier part of the trial. The evidence which they introduced or commented on was received with little opposition from the Defendant's Counsel; and it is not our object to detail the evi- Little objection raised to evidence offered for the two first charges.

dence itself, which was published at the time by authority of the Court. Although exception was sometimes taken to evidence, and angry discussions occasionally arose between the Managers and Counsel, the course of the proceedings during the prosecution on the two first Articles of the impeachment was comparatively smooth. But in supporting the sixth Charge, relating to presents alleged to have been received from corrupt motives, the Managers were again and again opposed by the Counsel for the defence, in their endeavours to introduce particular matters of evidence. The contests arising from these differences were carried on in arguments which sometimes extended over the entire day's sitting of the Court; and the questions proposed were of so nice a character that the proceedings were more than once suspended, while they were referred to the Judges for solution. In some instances, the disputes between the Managers and Counsel were determined by the mere expression of the Lord Chancellor's opinion; but more commonly they were formally discussed by the Lords, who, on such occasions, retired from the Hall to their own chamber, for the purpose of considering their judgment, and, on their return, announced it through the Chancellor. The duration of the trial was much affected by the frequency of these discussions. Although the number of sittings of the Court occupied by the prosecution on the two first and the two second charges was nearly the same, the time over which they were spread was very unequal. In the former case, the sittings were included in one session of Parliament, from the beginning of February to the 13th of June, 1788; in the latter, they were spread over three sessions; partly, it is true, owing to interruptions of a special character, but in a considerable degree in consequence of the numerous adjournments of the Court for lengthened periods, to allow opportunity to the Lords for debating on, or to the Judges for considering, the questions disputed between the parties. The struggles were occasioned by the difference of view taken by the Managers and Mr. Hastings' Counsel of the rule proper to be followed

Opposition to evidence on the other charges.

regarding the admission of evidence. The former chafed at the restraints imposed on them by the forms of Common Law Courts, and asserted the right of adducing such evidence as bore upon their case without regard to technical limitations. The latter used all their skill as lawyers in baffling these pretensions of their opponents, and were ever on the watch to resist the slightest informality; and each imputed to the other the design of defeating justice by endlessly protracting the proceedings. The altercations between the contending parties, principally conducted by Mr. Burke and Mr. Fox, on the part of the Managers, and by Mr. Law on the side of the Defendant, were often of an angry tone. They were reported in full by Mr. Gurney, who was employed by the Managers as their short-hand reporter, and who, not by deputy, as implied in our previous mention of this subject,* but, as we have the authority of his grandson, Mr. Joseph Gurney, for stating, with his own hand, took notes, still extant, of the whole proceedings.

The preparations for the trial in Westminster Hall, and the ceremony of opening the Court, have already been described;† and we shall now endeavour to give a short connected narrative of the proceedings from day to day; not, as we have said, attempting to dissect the evidence brought forward, but simply stating the subject which occupied the attention of the Court at each of its sittings, and noticing the numerous disputes which arose on the admissibility of evidence, and other incidents illustrating the history of the prosecution. 1788.

Opening of proceedings, 13 Feb. 1788.

The Court was formed on the 13th of February, 1788, and, simultaneously with the first exercise of their functions as prosecutors, the Managers were obliged to protect themselves from attempts to discredit the honesty of their motives. On the 14th of the month, Mr. Fox called the attention of

* See Vol. I., Introduction, p. xli.
† See Ibid., p. xxxix.

1788. the House of Commons to a pamphlet, of a libellous character, published by Mr. Stockdale, and read passages from it, in which the charges against Mr. Hastings were asserted to be groundless, and his impeachment ascribed to party feelings. The motion for a prosecution by the Attorney General was supported by the Ministers, after a slight amendment of the terms of it; and the trial of Mr. Stockdale in the Court of King's Bench, on the 9th of December following, when he was defended by Mr. Erskine, resulted in a verdict of acquittal.

Prosecution of libellous pamphlet.

The two first days, the 13th and 14th of February, were occupied in reading the Articles of impeachment, and Mr. Hastings' answers to them.

Burke's opening of the Impeachment.

On the 15th of February, Mr. Burke commenced his General Opening of the charge, and continued his speech through the two following court days, the 16th and 18th of February, terminating it on the following day.*

Opposition to wish of Managers to try each Article separately.

After the conclusion of Mr. Burke's speech, the Managers of the prosecution and the Counsel for the Defendant immediately found themselves at issue as to the order of the future proceedings. On the part of the prosecution, it was urged by Mr. Fox that ea Article ought to be taken separately, the evidence produced and the defence made to it, as a distinct charge; and he referred to precedents in the conduct of the impeachment of the Earl of Macclesfield and Lord Strafford. This course was objected

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* It is stated by the author of the contemporary "History of the Trial" that —"In the course of the first day's speech he worked up the passions of the Court in so powerful a manner, when he described the sufferings of the native Hindoos under the government of Mr. Hastings, that the Court repeatedly called out 'Hear! hear!'" And, in reference to the description of the cruelties practised by Deby Sing on the inhabitants of the province of Rungpore, on the third day of his speech, the same author states that—"In this part of his speech Mr. Burke's descriptions were more vivid, more harrowing and more horrible, than human utterance, on either fact or fancy, perhaps ever formed before. The agitation of most people was very apparent, and Mrs. Sheridan was so overpowered that she fainted." Mr. Burke is described as "dropping his head upon his hands a few minutes," overcome by his own emotions. He was shortly afterwards taken ill, and obliged to discontinue his address for that day.

to by Mr. Hastings' Counsel, who insisted, on grounds as well of convenience to the Court as of justice to their client, that the evidence on all the Articles should be brought forward before the Defence was opened. The Lords withdrew to their chamber to consider their judgm . 1788.

Importance of the question.

The question was regarded as of considerable importance to the success of the prosecution, and much difference of opinion was shown in the discussion of it in the House of Lords. Although the House eventually adopted the opinion of Lord Chancellor Thurlow, who, at great length, argued in favour of the course proposed by Mr. Hastings' Counsel, as many as thirteen peers, including the Dukes of Devonshire, Bedford and Portland, with Lord Loughborough, entered a protest against the decision of the majority.

On the next court day, the 22nd of February, addressing the Managers, the Chancellor said, "I have, in charge, to inform you that you are to produce your evidence in support of the prosecution before Mr. Hastings is called upon for his defence."

Opening of the First Charge by Fox and Grey.

Immediately after the announcement of their Lordships' judgment, Mr. Fox proceeded to open the first Article of the impeachment, relating to the treatment of Cheyt Sing, Raja of Benares, and concluded his speech on the same day. His auditory is stated to have been more numerous than that of any previous day of the trial.

On the 25th of February, Mr. Grey opened the remainder of the first Article of the charge;* and, on the conclusion

* The following is the criticism of the author of the "History of the Trial" on the character of Mr. Grey's speech, and his manner of delivery :—"Mr. Grey was nearly two hours in delivering his speech. His manner was suited to the occasion ; he was fervid, graceful and impressive. He was collected, without arrogance ; free in his expression, without any rattle of volubility ; firm in his sentiments, with scarcely any disgusting obduracy to the defendant. Mr. Grey spoke like a man in earnest. He did not philosophise, agitate and edify, so powerfully as Mr. Burke ; but he showed some reading and some abstract reflection. He not only declaimed, but his speech had, what is less attainable by so young a man, much good arrangement and lucid order."—History of the Trial, &c., Part I., p. 20.

1788. of his speech, the Managers proceeded to adduce evidence in support of the charge.

Evidence on the First Charge.

Reading of Mr. Hastings' Defence before the House of Commons.

After the examination of witnesses to prove the terms of the royal charter granted to the East India Company, in 1696, the appointment of Mr. Hastings as Governor General, and the Act of Parliament of 1774, the Managers were proceeding to read Mr. Hastings' Defence to the first Article, delivered before the House of Commons, as entered in the journals of the House, but were stopped by the Counsel, who insisted on the original minutes of the Defence being produced, with which demand the Managers complied.

Question of reading extracts from documents.

On the 26th of February, the ninth day of the trial, various papers were read as evidence on the first Charge; and, in reference to an objection made by the Managers to the unnecessary reading of an entire document by the Counsel, when a portion only was cited, the Lord Chancellor decided that "if a paper is produced it must be read entire, if required by either party, and that the House, for the present, must put a confidence in the party who shall insist upon its being so read entire that they will not do it frivolously."* An objection was made by the Counsel, at the end of the day, to the reading of a letter from the court of Directors to the Governor General and Council, offered as proving a breach of orders by Mr. Hastings, there being no allegation of the offence in the Article, and the Court adjourned.

Objections to evidence of offences not in the charge.

Decision in favour of Managers.

On the 28th of February, the Lord Chancellor announced that the Managers were at liberty to read the letter objected to by the Counsel. Further documentary evidence was then read, without opposition, together with several extracts from Mr. Hastings' Narrative of the Insurrection in Benares, in 1781.†

Question of reading extracts.

On the 29th of February, other extracts were read from Mr. Hastings' Narrative, and further documentary evidence

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* "Minutes of the Evidence," p. 46.

† The entire Narrative is printed in the "Minutes of the Evidence,' pp. 109–270.

adduced. A discussion arose on a proposal by Mr. Adam for printing the extracts from Mr. Hastings' Narrative in the "Minutes of the Evidence," without reading them in Court; the proposal was rejected, at the suggestion of Earl Stanhope, and the extracts were read at length. Oral testimony was taken during the latter part of the sitting; and Mr. John Stables, Mr. Fox Calcraft, both of whom had served in a military capacity in Benares, and Mr. John Benn, who had been the assistant to the Company's Resident at Benares, were examined. A question being put by the Managers to the latter witness, to show he had given contrary evidence before the House of Commons, objection was raised by the Counsel for Mr. Hastings, on the ground that it was "perfectly new in judicature that any person producing a witness should himself undertake to impeach his credit." Arguments were heard on either side; it being explained on the part of the Managers that their object was to show "that the witness had not said clearly that which we can prove, from a former examination, it was in his power to say." It being late in the afternoon, the Lords adjourned to their own chamber, and the question in dispute was referred to the Judges.

1788.

Examination of Stables, Calcraft, and Benn.

Objection to impeaching their own witness.

Question referred to the Judges.

After an interval of six weeks, occasioned by the absence of the Judges on circuit, the Lords again assembled in the Hall on the 10th of April; when the Lord Chancellor announced their decision that "it was not competent for the Managers to put the question proposed by them to the witness." On the announcement of this resolution the Managers asked leave to withdraw. They shortly returned, and Mr. Fox, addressing the Court, stated it was impossible the Managers could, in their minds, acquiesce in the decision. That it was so important to the whole proceedings that only their feeling it a superior duty to proceed with despatch in the trial withheld them from appealing to the House of Commons for instructions. That they were thoroughly convinced they had a right to put the question. That, in cases of impeachment, which are usually directed

Decision against Managers.

Protest of Mr. Fox.

1788. against persons of influence, the witnesses are likely to give unwilling testimony. That they the more regretted the decision because it was at variance with a previous one, in which their Lordships asserted their adherence to the practice of the lower courts. That they acquiesced, "not acknowledging the principle which is held out to us, but upon the principle of convenience—that we would not delay this trial; always protesting in favour of the rights of the Commons of England, which we do not mean to admit it to be a precedent for superseding and for destroying."*

Mr. Benn and Colonel Gardiner examined.

Mr. Benn and Colonel Gardiner were then examined, principally with respect to the arrest of Cheyt Sing, and his treatment during confinement.†

Anstruther's summing of evidence on the First Charge.

On the 11th of April, the thirteenth day of the trial, Mr. Anstruther, on the part of the Managers, summed up the evidence produced in support of the first Article of the impeachment. And, on the conclusion of his speech, Mr. Burke made a few observations on the subject of the insults offered to Cheyt Sing during his arrest, and on the treatment shown to Durbejey Sing during his imprisonment.‡ And thus the case for the prosecution was closed on the Benares charge.

Observations by Mr. Burke.

Adam's opening of the Second Charge.

On the 15th of April, the fourteenth day of the trial, Mr. Adam opened the second Article of the impeachment, relating to alleged acts of injustice towards the Begums of Oude, the mother and widow of the deceased Nawab of Oude. An incident which occurred during the delivery of his speech requires notice. In the course of his argument, he charged Mr. Hastings with having falsified dates in his Narrative of

Interruption by Mr. Hastings.

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* Gurney's Report, MS.

† It is stated, in the "History of the Trial," that "the Prince of Wales, the Duke of York, and the Dukes of Gloucester and Cumberland, were present during the day's proceedings. The Commons were few in number; and the audience lessened so continually, from time to time, that at last scarcely any hearers but those who were obliged to hear were left in the Court."—Part I., p. 27.

‡ Printed in Volume I. of the present work, p. 362.

the insurrection in Benares. Galled by the imputation, Mr. Hastings whispered to a gentleman in his box that the assertion was false. The words were caught by Mr. Adam, who, in violent terms, protested against the interruption and repeated his charge.* 1788.

On the 16th of April, Mr. Pelham supported the second Article of the charge. On the close of his speech, Mr. Sheridan rose to conduct the evidence to be brought forward on the Article now opened; having first, with the concurrence of the Defendant's Counsel, proposed that, in future, not the whole of any voluminous paper exhibited in evidence should be printed, but only the part specially applying to the subject. He then proceeded to prove a printed paper circulated in the lobby of the House of Commons, and purporting to be a second Defence of Mr. Hastings upon the second Article of the Charge.† Major Scott, who, when Mr. Hastings was in India, had acted as his confidential agent in England, and from the commencement of the present proceedings had been his staunch supporter, both in the House of Commons and in the public press, was examined by Mr. Sheridan on the subject of this second Defence, and stated that he had distributed a few copies of it among members of the House. He was then questioned as to the composition of Mr. Hastings' first Defence at the bar of the House of Commons, and informed the Court that it was written within the space of six days, but that the only portions of it composed by Mr. Hastings himself were the general introduction and the answers to the Articles concerning the Rohilla war and the King's tribute. He specified the authors of the other parts of the Defence, viz., the witness himself, Mr. Halhed, Mr. Shore,

Support of the Second Charge by Mr. Pelham.

Evidence.

Arrangement for printing extracts of papers.

Examination of Major Scott, respecting Mr. Hastings' second Defence.

The first Defence composed by friends of Mr. Hastings.

* The observation of the historian of the trial upon Mr. Adam's speech is as follows—"Mr. Adam was up three hours and an half, and was heard with great attention. In many parts he deserved it. In parts there was a violence liberal men do not love. The Commons were more numerous than usual. The female part of the audience were in greater numbers than have lately been seen."—History of the Trial, Part I., p. 33.

† It is headed "The real State of the Facts contained in the Fourth Article of Mr. Burke's Charge, divested of all extraneous matter in which they are enveloped;" and is printed in the "Minutes of Evidence," p. 362.

1788. a member of the Supreme Council, Mr. Middleton, Mr. Markham, Mr. Baber, Major Gilpin and Mr. Benn; and he stated that many passages were introduced into the paper, by the different contributors to it, which Mr. Hastings himself had never read when it was presented to the House.

Examination of Mr. Holt.

On the 17th of April, the sixteenth day of the trial, Mr. Holt, who had been assistant to the Resident at Lucknow, in 1779 and 1780, was examined for five consecutive hours, principally with the object of proving Mr. Hastings' influence over the Nawab of Oude; and his examination was resumed on the 22nd of April. It was followed by various written evidence, and subsequently by the examination of Major Brown, Mr. Goring and Mr. Stables.

Major Brown, Mr. Goring, and Mr. Stables.

Examination of Mr. Middleton.

The principal witness examined on the 23rd, the 24th and 29th, of April was Mr. Middleton, formerly political Resident at the court of Lucknow. He is stated to have shown much confusion in giving his evidence, and to have resorted to the plea of forgetfulness when pressed on subjects which it was hard to believe had escaped his memory.

Examination of Major Scott and Mr. Middleton.

On the 30th of April, Major Scott was again examined at great length, and again on the 1st of May. After which, various letters were produced and read, and Mr. Middleton was once more examined.

Of Sir Elijah Impey.

On the 6th of May, a great deal of written evidence was given in and read, and Sir Elijah Impey, formerly Chief Justice of Bengal, was examined on the subject of the affidavits sworn before him relative to the insurrection in Benares.

Of Mr. Middleton.

On the 7th and 8th of May, after the reading of much written evidence, Mr. Middleton was examined on the subject of the seizure of the Begums' jagirs.

Of Capt. Edwards and Colonel Achmutty.

After an adjournment for the Whitsun holidays, the Court resumed on the 20th of May, when various written evidence was adduced, and Captain Edwards and Colonel Achmutty were examined, mainly in relation to the alleged rebellion of the Begums.

Garbling of letters.

On the 21st of May, extracts were read from the Persian correspondence, during Mr. Hastings' administration, to show

1788.

that the letters had been garbled and mutilated, and that forged papers had been introduced among them. Other written evidence was read, to show that the resumption of the jagirs was against the wish of the Nawab. In the course of the day, Major Scott presented himself for the purpose of correcting a statement made by him at a previous examination, and in which he had denied that he had made any other communication respecting presents received by Mr. Hastings than what he had already mentioned. He now acknowledged a letter to the Chairman of the Directors, detailing every instance of such receipt of presents by Mr. Hastings. Sir Elijah Impey also was called in, to authenticate certain letters which he had delivered to the House of Commons; and an interruption to the proceedings was occasioned by his hesitating to answer the questions put to him—first, on the ground that he was afraid of exposing himself to censure, as he had been already charged, in the House of Commons, with arrogance and contumaciousness in his mode of conducting himself on a previous examination; and, secondly, from apprehension of his evidence being turned against himself in a prosecution he was threatened with by the Commons. He subsequently complained that snares were laid for him in his examination—an expression which, Mr. Fox insisted, deserved the reprimand of the Court.

Correction of evidence by Major Scott.

Objection by Sir E. Impey to answer questions.

On the 22nd of May, Mr. Purling, who had acted as the Company's Resident at Lucknow, was examined by the Earl of Suffolk respecting the state of the province of Oude. Written evidence was presented, and Sir Elijah Impey corrected a discrepancy between evidence given by him before the House of Commons and his statements in a recent examination. He was further questioned, chiefly on the circumstances of taking the affidavits respecting the Begums' concern in the Benares insurrection. Capt. Jaques, the officer who had held the ministers of the Begums in his custody, during part of the time of their confinement, was called in, and gave evidence respecting the harshness of their treatment.

Examination of Mr. Purling.

Correction of evidence by Sir E. Impey.

Capt. Jaques.

Mr. Sheridan was stopped by Mr. Hastings' Counsel in an

1788. endeavour to elicit from the witness the contents of certain letters which he had received from the Resident at Lucknow, on the ground that he was putting leading questions to his own witness. Mr. Sheridan retorted that the witness could not be considered as the evidence of the Managers, as he was known to have been in close communication with the Counsel themselves.

Objection to leading questions.

On the 27th of May, Mr. Jaques was again examined. Subsequently, the Managers proposed to read from Mr. Middleton's letter-book his correspondence with Major Gilpin, by whom Capt. Jaques had been relieved at Fyzabad, but were opposed by Mr. Hasting's Counsel, who insisted that Major Gilpin ought to be called to prove the receipt of the letters. To this the Managers objected, as in that case Major Gilpin would be regarded as their witness, and they would thereby be debarred, by a former resolution of the Court, from putting what might be called leading questions to him. Eventually they submitted to the objection of the Counsel, and called in Major Gilpin to prove the letters in question. The Major was then examined by the Counsel, to prove the reality of the Begums' preparations to assist Cheyt Sing, and the respectful treatment they had subsequently received, when in confinement.

Insistance of Counsel on calling witness to prove letters.

Major Gilpin.

On the 28th of May, after observations by Mr. Sheridan on incorrectnesses in the printed Evidence, Major Gilpin was again cross-examined by the Counsel. Mr. Middleton also was questioned as to the origin of the design of resuming the Begums' jagirs, and gave very material evidence on this subject.

Examination of Major Gilpin and Mr. Middleton.

On the 30th of May, the thirty-first day of the trial, Mr. Sheridan again brought forward the subject of inaccuracies in the printed Evidence, and proposed a plan for preparing a list of errata, which was accepted by the Counsel. Mr. Middleton was then subjected to an examination, principally concerning the treatment of the eunuchs, the ministers of the Begums, and alleged instructions from Mr. Hastings to induce the Nawab to give a present, after the treaty of Chunar. To many of the questions put

Inaccuracies in printed Evidence.

Examination of Mr. Middleton.

to him he refused answers, lest he might be drawn into criminating himself. On the conclusion of his examination, Mr. Sheridan informed the Court that the Managers had closed their evidence on the second charge. 1788.

Summing of evidence on the Second Charge by Mr. Sheridan.

On the 3rd of June, the thirty-second day of the trial, Mr. Sheridan proceeded to sum up the evidence on the charge relating to the Begums of Oude. His speech was continued through the 6th and 10th, and brought to conclusion on the 13th, of the same month. Excitement amongst the public was at its highest pitch on the first day of his great speech. Although the Court was not formed till twelve o'clock, it is stated that "by eight o'clock in the morning the avenues leading to the hall, through New and Old Palace Yards, were filled with ladies and gentlemen of the most respectable appearance, many of them peeresses in full dress, who stood in the streets for upwards of an hour before the gates were opened." * He is stated to have been much exhausted at the end of the second day, and on the afternoon of the third day was suddenly interrupted by illness.†

* "History of the Trial of Warren Hastings," Part I., p. 74.

† The general opinion of those who heard Mr. Sheridan's speech was, that, however splendid, it scarcely equalled his famous oration in the House of Commons, in bringing forward the same charge, on the 7th of February, 1787. If Mr. Burke, however, spoke his honest sentiments when he gave his opinion on the merits of the later speech, in a debate in the House of Commons, on the 6th of June—when only half of it had been delivered—it is not easy to conceive how it could have been surpassed by any effort even of the same wonderful genius. He said in reference to it,—"Every member had been struck dumb with astonishment and admiration at the wonderful eloquence of his honourable friend (Mr. Sheridan), who had that day again surprised the thousands who hung with rapture on his accents by such a display of talents as were unparalleled in the annals of oratory, and as did the highest honour to himself, to that house, and to his country." . . . "Of all species of oratory, of every kind of eloquence that had been heard, either in ancient or in modern times, whatever the acuteness of the bar, the dignity of the senate, or the morality of the pulpit, could furnish, had not been equal to what that house had that day heard in Westminster Hall. No holy religionist, no man of any distinction as a literary character, could have come up, in the one instance, to the pure sentiments of morality, or, in the other, to the variety of knowledge, force of imagination, propriety and vivacity of allusion, beauty and elegance of diction, and strength of expression, to which they had all that day listened. From poetry up to eloquence, there was not a species of composition of which

1788.

Close of the session of 1788.

Mr. Sheridan's summing up of the evidence on the charge relating to the Begums closed the proceedings for that session of the Parliament. The trial had already occupied thirty-five days, extended over an entire session, and expressions of impatience were heard in the public press. The expense incurred by the prosecution was a subject of complaint; and, on the 9th of May, a direct motion was made by Mr. Burges, in the House of Commons, for a particular account from the solicitors to the Managers of the whole expenses of the prosecution. The debate which ensued gave rise to a very angry altercation between Mr. Burke and Mr. Pitt. In reference to an explanation offered by Mr. Pitt of certain communications between the Treasury and the Managers, Mr. Burke stated that his assertion was not true. Mr. Pitt replied, that, "perhaps, from being accustomed to use an extraordinary licence of speech elsewhere, Mr. Burke showed himself so much the slave of habit and practice that he forgot the place where he was, and seemed desirous of introducing that habit and practice within these walls." Mr. Burke retorted, that Mr. Pitt "had alluded to what he supposed to have passed in a place where he seldom or never made his appearance; but it was the curse of his situation to be surrounded with whisperers and tale-bearers, and to take up matters as they were conveyed to his ears by such reporters."*

Motion in the House of Commons for account of expenses.

Altercation between Mr. Burke and Mr. Pitt.

Further motions for accounts.

On the 20th of May, the accounts which had been called for were laid on the table of the House, and a second motion by Mr. Burges for a more particular account was carried, against the wish of the Managers, by a majority of sixty to seventeen. An effort was made on the 6th of June, by the same member, to induce the House to require a monthly account of expenses; but this was successfully resisted by the Managers.

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a complete and perfect specimen might not have been culled from one part or the other of the speech to which he alluded."—Parliamentary History, vol xxvii. col. 544.

* See Parliamentary History, vol. xxvii., col. 493; and Adolphus' History of England, vol. vi. p. 149.

1789.

In the interval between the prorogation and the day appointed for the re-assembly of the Parliament, the exercise of the functions of royalty was interrupted by the King's illness. Shortly after the opening of the session, by commission, on the 3rd of February, 1789, a petition was presented to the House of Lords by Mr. Hastings, complaining of the great hardships to which the extraordinary duration of the trial was subjecting him. Amongst these, he mentioned the change of his judges by the decease of many members of the House; the detention of witnesses necessary for his defence, and the probability of his being deprived of many of them by various accidents; injury to his health, and waste of his fortune; that his expenses had already exceeded 30,000*l.*, and, consequently, that, should his life be continued to the close of the prosecution, he might find himself destitute of the means of defence and even of subsistence, and "run the dreadful chance of having his character transmitted on their records, blasted with unrefuted criminations;" and he prayed them to proceed on his trial without delay.* Circumstances, however, prevented the immediate resumption of proceedings. The attention of the Legislature was for some time engrossed by the consideration of a Regency Bill. On the 19th of February, a notification was made to the House of Lords of the King's recovery, and the debates on the Regency were of course suspended. Adjournments from time to time succeeded, till proceedings were formally opened by the delivery of a speech in the King's name by the Lords Commissioners, on the 10th of March. The absence of the Judges on circuit still further delayed the resumption of the trial; and it was not till the 21st of April that the Court was again formed in Westminster Hall.

Session of 1789.

Petition of Mr. Hastings to the House of Lords.

Delay in proceedings.

On that day, the thirty-sixth of the trial, Mr. Burke opened a portion of the sixth Article of the impeachment. The substance of the accusation contained in the Article

Mr. Burke's opening of part of the Sixth Charge.

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* Parliamentary History, vol. xxvii, col. 1344.

1789. — Substance of the charge. Corrupt presents.

was, that, contrary to his covenants with the court of Directors, as Governor General, and to terms of a special Act of Parliament, he had received various presents, from corrupt motives. That, in the year 1783, he took a present from Raja Nobkissen, under colour of a loan, to the amount of 34,000*l.*—That, in the year 1780, he accepted as a present, from Sadanund, the treasurer of Cheyt Sing, the sum of two lacs of rupees, equal to 20,000*l.*—That, in the same year, he took from a person called Kelleram a sum of four lacs of rupees, or 40,000*l.*, and, in consideration of it, granted to him and to Cullian Sing, in perpetuity, the farm of the revenue of the province of Behar.—That, in the year 1781, he accepted from Asoff-ud-Dowla, Nawab of Oude, being then in a state of great pecuniary embarrassment, the sum of ten lacs of rupees, equal to 100,000*l.*—That, in the same year, he took from a person called Nundulol, 58,000 rupees, equal to 5,000*l.*—That, in 1772 and the two following years, he extorted, by means of his banya, Cantoo Baboo, from the zamindar of Rajeshaye, divers sums, amounting to 4 lacs 40,000 rupees, equal to 40,000*l.*; and that, being charged with the same before the Supreme Council, he refused to clear himself from the accusation.—That, in 1773, he took from Raja Nundcomar and other persons divers sums, amounting in value to 40,000*l.*, as bribes for appointments; particularly for appointing Raja Goordass, son of Nundcomar, to the head of the finances of Bengal, and making Munny Begum, widow of Mir Jaffier, formerly Nawab of Bengal, superior of the family of Mobaric-ud-Dowla, the then Nawab, and constituting her minister of the government and guardian of the Nawab's minority, the said Munny Begum being wholly unqualified for the appointment.—That, in the year 1773, he took the sum of 36,000 rupees for himself, and 4,000 rupees for his banya, Cantoo Baboo, from one Khan Jehan Khan, out of his salary as faujdar of Hoogly, to which office he had appointed him; and that, when charged therewith by the majority of the Council, he refused to answer, and, moreover, prohibited the said

Khan Jehan Khan from giving testimony respecting the transaction. 1789.

Mr. Burke selected for his opening the portion of the charge relating to the presents received from Munny Begum, in consideration, as was alleged, for the appointments of superior of the Nawab's household and guardian of his person; and introduced the circumstances of Nundcomar's accusation of Mr. Hastings, presented to the Supreme Council, in relation to these and other corrupt presents. He dwelt on the general corruption of the service by Mr. Hastings' example, and on the measures taken by him, in connection with the public accounts, for concealing his illegal practices. He prefaced his address with a notice of complaints, spread about by Mr. Hastings and his friends, of the length of the trial; in justification of which he cited, in comparison, the proceedings during the session of the Committee on the Colchester election, which had lasted as many days as the present trial. And he answered other complaints of the expenses to which Mr. Hastings had been driven by the nature of the proceedings, by asserting that they were more than covered by the amount of one of the bribes he should prove him to have accepted.

Mr. Burke's speech.

Mr. Burke's speech extended through the 25th of April and the 5th of May, and was concluded on the 7th of that month. The 22nd of April had been appointed for the second hearing of his address, but, after the Lords had met in the Hall as usual, Mr. Burke was seized with sudden indisposition, and the Court adjourned to the 25th. The speech bears the impress of the marvellous power and richness of the great orator's mind; and, while abounding in passages of the loftiest eloquence, never loses sight of its object of setting the circumstances of the charge distinctly before the Court, and heightening to the utmost every feature in the transaction to which guilt could be ascribed. But, in the course of the first day of its delivery, his earnestness of feeling led Mr. Burke into expressions not justified by the terms of the impeachment, and which brought upon

Charges Mr. Hastings with the murder of Nundcomar.

1789. him a serious mortification. In reference to the prosecution of Maharaja Nundcomar for forgery, and his eventual execution, at the very time when he was urging charges of bribery against Mr. Hastings before the Supreme Council of Calcutta, Mr. Burke said of Mr. Hastings, "Yet there is an action which is more odious than the crimes he attempts to cover; for he has murdered this man, by the hands of Sir Elijah Impey."* On the 30th of April, when the Lords had met for a further hearing of the opening of the sixth Charge, a message was presented from the Commons desiring that the trial might be deferred to a future day. This interruption was occasioned by a petition of Mr. Hastings, which had been presented in the House of Commons on the 27th of April, by Major Scott, complaining of extraneous accusations, not included in the Articles of impeachment, and wholly false and unfounded, having been introduced by Mr. Burke into his speeches, and especially of his having charged him with the murder of Nundcomar; and praying that he might have an opportunity of answering these charges, or that the House would grant him redress. †

Proceedings interrupted by House of Commons.

Petition of Mr. Hastings to the House against unauthorised charges of Mr. Burke.

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* See page 47 of the present volume.

† The following are the terms of the petition :—"That the petitioner was impeached by this House, before the Lords Spiritual and Temporal in Parliament assembled, on a charge of high crimes and misdemeanors, contained in certain Articles exhibited according to the just and proper usage of Parliament, and was required by the Lords to give in his answer to the same, a competent time being allowed him to prepare it, and which answer he delivered in accordingly; and that the Managers appointed by the House to carry on the prosecution, not confining themselves to the Articles of charge, which were especially exhibited against the petitioner, and to which he was required to deliver his answer, and had so answered as aforesaid, did, in the last year, introduce certain allegations in the course of their proceedings, which not only were not contained in, nor bore any immediate relation to, the said Articles of charge, but were wholly extraneous and foreign from them; although they were of such a nature as, if true, would have rendered the petitioner infinitely more criminal than anything contained in those which had been formerly exhibited against him; and that the allegations to which the petitioner more particularly alludes were as follows :—that he was concerned as an accomplice in a plot, alleged to have been formed for the purpose of assassinating the Shahzada, or Prince of Hindostan ;—that he was concerned as an accomplice in procuring the death of Meeran, the son of the Nabob Jaffier Ally Cawn ;—that he was the author and instigator of various acts of oppression and savage cruelty alleged to have been committed by a man named Deby Sing, under the appointment of the petitioner ;—and that the trial, after an adjournment of upwards of ten months, was recommenced on the 21st instant, and the Article, intituled 'Presents,' opened by the Right. Hon.

The question of hearing the petition was supported by Mr. Pitt, and the subject of it was debated on in the House at several successive sittings. After it had been resolved that the petition should be received, Mr. Burke withdrew from the discussion; and a letter from him was read in the House, pledging himself to persist in the prosecution until he should be removed from the management by direct vote. A Committee was appointed to search for precedents as to the steps proper to be taken upon the petition, and Mr. Gurney, the short-hand writer, was examined in respect to the actual words uttered by Mr. Burke. It was eventually voted, on the motion of the Marquess of Graham, "That no direction or authority was given by this House to bring as a charge against Mr. Hastings, or to impute to him, the condemnation and execution of Nundcomar; and that the words spoken by Mr. Burke,—'he (meaning Mr. Hastings) murdered him (meaning Nundcomar) by the hands of Sir Elijah Impey,' ought not to have been spoken."*

1789.

Vote of the House against the propriety of the charges.

In continuing his opening of the sixth Charge, on the 5th of May, Mr. Burke alluded at some length to these

Reference by Mr. Burke to

Edmund Burke, in the name of the Commons of Great Britain; and the said Right Hon. Manager, in like manner as in the preceding year, introducing many allegations foreign from the express charge, did, in direct terms, charge the petitioner with the horrid crime of murder, using the following words, 'He'—meaning the petitioner—'murdered that man'—alluding to Nundcomar—'by the hands of Sir Elijah Impey;'—that the said Right Hon. Manager, and the other members appointed by the House with him to be joint Managers of the prosecution, have at various times declared that they spoke by instruction from this House, whose representatives they were, and that they should allege nothing that they were not prepared and willing to prove;—that it would not become the petitioner to suppose that such allegations, so made, in the name and by the representatives of this House, were not made by the command of the House, although no charge containing them has been yet preferred against him. The petitioner, therefore, declaring that the above-recited accusations are all untrue and utterly unfounded, most humbly appeals to the justice of the House, and prays that such of them as properly fall within the immediate cognizance of the House may be brought forward, and prosecuted in specific Articles; and that, in respect of the rest of them, such other mode of prosecution may be directed, or other means adopted by the House, as may enable the petitioner to make the refutation of the several matters of grievous crimination as public as the charges themselves have been; or that the House will afford him such other redress in the premises as to the House shall seem meet."—Parliamentary History, vol. xxvii., col. 1364.

* The numbers in the division were, Ayes, 135; Noes, 66; Majority 69.—Parliamentary History, vol. xxvii. col. 1422.

1789. proceedings, and with much dignity of language avowed the check he had received from the House of Commons, expressing entire submission to their resolution, yet reflecting on the readiness they had shown to overrule his judgment. He declared that, on the part of the Commons, he withdrew the imputation on Mr. Hastings of being concerned in the death of Nundcomar, but he reasserted it in his private character, and that in terms such as these:—"It was by the poverty of the language I was led to express my private feelings under the name of a murder; for if the language had furnished me, under the impression of those feelings, with a word sufficient to convey the complicated atrocity of that act, as I felt it in my mind, I would not have made use of the word murder." *

Proceedings in the House of Commons.

Re-assertion of the charge.

On the 7th of May and on the following court day, after the conclusion by Mr. Burke of his speech, various documentary evidence was read, on the part of the Managers, by Mr. Grey. Exception was taken by the Counsel for Mr. Hastings to the admission of a copy of a letter from their client to the Directors, the Managers having failed to find the original in the East India House; and the Counsel carried their point. An objection was subsequently raised by them to the reading of certain orders transmitted by the court of Directors to Mr. Hastings, requiring regular accounts to be kept of the expenditure of the Nawab of Oude's allowance; but they gave way, on the understanding that the evidence was to be hereafter expunged, if the Managers failed to prove its relevancy to the charge.

Production of evidence.

Objection to the copy of a letter.

Objection to orders of Directors.

On the 14th of May, the forty-second day of the trial, various papers were given in evidence, to show the character and position of Nundcomar; but the greater part of the day was consumed in a discussion on the admissibility in evidence of Nundcomar's examination on a paper of charges against Mr. Hastings, presented before the Supreme Council of

Objection to Nundcomar's paper of charges

* Speech of Mr. Burke on opening the Sixth Charge.—Printed in the present volume, p. 116.

1789.

Calcutta in 1775; it being objected by the Counsel that the examination was not taken upon oath, that it was taken in the absence of Mr. Hastings, that it was a proceeding before an incompetent jurisdiction, and that Nundcomar was afterwards convicted of a forgery, committed by him prior to the said examination being taken. The Lords adjourned to the chamber of Parliament to discuss the question.

against Mr. Hastings.

Decision against Managers.

At the opening of the Court on the 20th of May, the Lord Chancellor rose and announced the decision of the House of Lords that "it was not competent for the Managers to produce the examination of Nundcomar which they tendered in evidence, the Managers not having proved, nor even stated, anything as a ground for admitting such evidence, which, if proved, would render the same admissible."

The question re-opened.

After a protest by Mr. Burke against this resolution, the question was almost immediately re-opened, by a claim put forth by the Managers to produce the minutes of a consultation of the Council of Calcutta of the 20th of March, 1775, when Mr. Hastings was present, in which were rehearsed the minutes of the previous Board, held on the 13th of March, including the examination of Nundcomar.

The judgment of the Court was, "That the circumstance of the consultation of the 13th of March, 1775, being read at a consultation of the 20th of March, 1775, at which Mr. Hastings was present, does not of itself make the matter of such consultation of the 13th of March admissible evidence."

The Managers remonstrated against this judgment, and, in the discussion which ensued, the Lord Chancellor interpreted the opinion of the Court in the following terms:—

"The examination of Nundcomar by itself is clearly no evidence at all. To admit evidence which is incompetent, and which contains in it criminal imputation against the Defendant, would be to admit unwarranted slander." . . . "There is no way (as the argument alleges) of making the paper competent evidence, but by proving that Mr. Hast-

1789. ings had done or said something, in reference to that paper, by which he had, in that act, made it competent evidence; and the Lords are of opinion that the circumstance of sitting by to hear it read is not such an act." *

The argument was continued by Mr. Fox and Mr. Burke at great length. The Lord Chancellor again explained that, if the Managers could show that the evidence offered could apply, by connecting it with some criminal act done by the Defendant, they would be allowed to make use of it. After further arguments, delivered by Mr. Burke and Mr. Fox, the Court adjourned.

Decision against Managers.

On the following day, the 21st, the Lord Chancellor announced the decision of the Court "that the consultation of the 13th of March cannot now be read." After some remarks by Mr. Burke, the minutes of the 20th of March were read. From these it appeared that Cantoo Baboo had been ordered to attend the Council of the 13th of March, but had not obeyed; and had afterwards assigned, as his reason for not attending, an order from Mr. Hastings not to obey the summons. Mr. Burke then again demanded that the minutes of the 13th of March might be read, as connected with this act of Mr. Hastings in interfering with the orders of the Council. A long discussion ensued, and the Court adjourned without having decided the question. In the interval between the adjournment and the next meeting, the Lords referred the question to the twelve Judges, whose answer was,—"That it is not competent for the Managers to produce an examination without oath, by the rest of the Councillors, in the absence of Mr. Hastings, the Governor, charging him with corruptly receiving 3,54,105 rupees," etc. Accordingly, on the 27th of May, the Lord Chancellor announced the decision of the Lords,—"That the examination of Nundcomar and the proceedings of the rest of the Council, on the 13th of March, after Mr. Hastings had left the Council, ought not to be read."

Objection to other evidence bearing on the same subject.

Question referred to the Judges.

Decision against Managers.

* Gurney's Report, MS.

Mr. Burke remarked upon the resolution of the Court in the following terms:— 1789.

"My Lords, after hearing this determination of your Lordships, the ground and reasons of which we do not understand, nor can in the smallest degree conjecture, I must say that one great political purpose will be answered by that decision. Not only no Governor General of Bengal can be hereafter convicted of the offence of bribery, from the very nature and circumstances of the affair, but it will teach him to throw off all those guards of prudence which men use upon such an occasion: and that crime, which has hitherto been considered as essentially secret, will become public, notorious, and walk in the face of day. That greatest of all and basest of all guilt will appear with the face and mask of innocence. My Lords, I am only to say that a Governor General of Bengal cannot be betrayed, not only by his own guilt, but by the greatest imprudence added to guilt. For, though he shall suffer the proofs of his guilt to be recorded upon the consultations and most solemn records of the Company, signed by his own hand, transmitted and authenticated by himself, and argued upon in his own defence, your Lordships are to know nothing of what the world knows but too much and feels but too well."*

Objection to a letter of Munny Begum.

After further observations of the same character, he asked permission to give in evidence a letter of Munny Begum, mentioned in the minutes, and charging Mr. Hastings with the receipt of money for the grant to her of the office of guardian to the Nawab of Oude, then a minor, arguing at great length on the propriety of its admission. The decision was referred by the Managers to the Lord Chancellor, who rejected the evidence. They then called Mr. Francis, as a witness to prove the delivery of the letter to the Council, but their questions were objected to and they suffered him to withdraw. Various papers were read in evidence, and the Court adjourned.

Objections to evidence overruled.

On the following day, the 28th of May, an objection by the Counsel of Mr. Hastings to admit as evidence a commission from the Council of Calcutta to Mr. Goring, to inquire respecting alleged embezzlements of the Nawab's revenue, under the administration of Munny Begum, was overruled. A long discussion ensued on the admission of the Begum's answers to queries drawn up by Mr. Hastings and

* Gurney's Report, MS.

1789. proposed to her by the Council. The decision of the Court was again in favour of the Managers.

Various matters of evidence rejected.

June the 10th, the forty-sixth day of the trial, was occupied by unsuccessful efforts on the part of the Managers to obtain the admission of various matters of evidence, viz., a letter of Mr. Goring relating to the money received by Mr. Hastings from Munny Begum, under pretence of an entertainment; objected to as irrelevant:—the Persian original of the Begum's letter to the Council of Calcutta relative to the same transaction; opposed by the Counsel and rejected by the Court:—evidence by Mr. Goring of the delivery to him by the Begum of the same letter, with her acknowledgment of the presentation of the money to Mr. Hastings for his entertainment; similarly opposed and rejected:—lastly, a charge of bribery against Mr. Hastings by Raja Goordass, which Mr. Burke endeavoured to have read, by stating that the object was to infer from the demeanour of Mr. Hastings, when he was made acquainted with that charge, a proof of his guilt. The Lord Chancellor objected that the demeanour ought to be first proved. Mr. Burke termed the decision preposterous. Lord Kenyon remarked upon the expression as disrespectful to the house. Earl Stanhope vindicated Mr. Burke; who pacified the Court by explaining that he used the word as meaning "putting the cart before the horse."

On the 11th of June, every effort was made by the Managers to procure the admission in evidence of the translation of a letter from the Begum to Mr. Hastings, which had been delivered to the Select Committee of the House of Commons by Major Scott, and in which she affirmed the presentation to him of a lac and a half of rupees. At the close of the day the Lords adjourned to their chamber to consider their judgment, which was not delivered till the 17th of the month. It was in the simple terms that the letter ought not to be read.

An incident in the proceedings of the 11th of June deserves notice, as characteristic of the tone and temper

1789.

Disrespectful expressions used by Mr. Law.

exhibited in the conduct of the trial. In the course of the altercations between the Managers and the Defendant's Counsel, Mr. Law asserted the principle, that, unless a prosecutor could establish his charges by evidence, they ought to pass for slander and calumny; and, having subsequently stated that he had the authority of the House of Commons for declaring that Mr. Burke had used slanderous and calumnious expressions, not warranted by his instructions from them, he explained that he was aware of their opinion by what had fallen from Mr. Burke himself, in his account in that Court of late proceedings in the House. This reflection on the conduct of the prosecution was caught up by Mr. Fox, who indignantly declared his determination not to proceed in the trial until the Court had expressed its opinion respecting Mr. Law's language; and the Managers were only at length quieted by a declaration of the Lord Chancellor that it was indecent to apply the terms slander or calumny to any thing that was said by authority of the House of Commons.

Question referred to the Judges.

The remainder of the 17th of June, after the admission of a single paper, was occupied in an endeavour by the Managers to induce the Court to receive in evidence official accounts of sums given by Raja Goordass and Munny Begum to Mr. Hastings, as bearing on the fact of Mr. Hastings having reappointed them to their respective offices. The Lords withdrew to their own chamber at half-past two o'clock, and, after debating the point, drew up a question upon it, which they referred to the Judges, who, on account of its importance, desired time to consider their decision.

On the next day of the trial, the 24th of June, the Lord Chancellor announced the resolution of the House, that the accounts "ought not be read." Before proceedings were resumed, Lord Porchester proposed that two other questions, which he wished to read, should be referred to the Judges; but, as it was not according to form for the Lords to discuss such proceedings out of their own chamber, they immediately withdrew, and the trial was adjourned for six days.

1789. On the 29th of June, the Lords went into Committee to "inquire into the usual method of putting questions to the Judges and receiving their answers in judicial proceedings." After the reading of precedents and much debate, it was resolved, "That the proceedings on the trial of Warren Hastings, Esq., had been regular, and conformable to precedent in all trials of a similar nature."

Efforts to put in evidence a statement of the Begum's of presents made to Mr. Hastings.

The 30th of June was consumed in efforts made by the Managers to obtain the admission in evidence of a letter of Mr. Goring, containing accounts given by Munny Begum of presents made by her to Mr. Hastings. The first claim for its admission was grounded on the fact of its having been received and entered as read, and printed at length in the Appendix to the "Minutes of the Evidence," though an extract only had been actually read in Court and printed in the Minutes themselves. The decision of the Lords was, that "the papers printed in the Appendix, over and above what were actually read, have never been read, nor received by the House as read." The admission of the letter was subsequently urged by the Managers, because it formed part of a consultation which had already been read, and also because it had been rendered evidence by the demeanour of Mr. Hastings, who had requested the court of Directors to read and consider it. The Lords adjourned to their own chamber to consider their decision.

Decision against its admission.

On the next day of the trial, the 2nd of July, the Lord Chancellor informed the Managers that "the letter of Mr. Goring, of the 29th of June, 1775, ought not to be read." Other documentary evidence was then put in by the Managers; but they were opposed in an attempt to read a paper, offered to disprove the Nawab of Oude's claim to be considered a sovereign prince, Mr. Hastings having justified his re-appointment of Munny Begum to the regency of that country by alleging the will of the Nawab, who had the right of appointing. The Lords, as usual, withdrew to their own chamber to discuss the arguments of either side.

Objection to evidence disproving the Nawab of Oude's sovereignty.

On the next day of the trial, the 7th of July, the

decision of the Lords was announced, that the paper above referred to ought to be read. The remaining written evidence was tendered by the Managers in support of the first portion of the sixth charge, and admitted. Mr. Burke then stated that, as Mr. Hastings had asserted that the Begum's answers to queries transmitted to her by Mr. Hastings had been obtained by Mr. Goring in an unjustifiable manner, he desired to call Mr. Goring to prove that he had used no improper influence to procure the answers in question. Mr. Law objected that, as the Managers had produced the minutes entered by Mr. Hastings as evidence against him, these minutes ought to be considered as the witnesses for the prosecution, and therefore the Managers ought not to be allowed to disparage them by afterwards endeavouring to prove they were false. After hearing the arguments at length between the Managers and Counsel for the Defendant, the Lords withdrew for consideration of the question.

1789.

Decision against the objection.

Objection against disparaging their own evidence.

On the following day the Court again met, and the Lord Chancellor announced the decision of the Lords in the terms "that the question proposed to be asked of the witness by the Managers ought not to be put." Mr. Burke expressed the disappointment of the Managers at this resolution of their Lordships. He protested against it as tending to the utter subversion of all justice—

Supported by the Lords.

Protest of Mr. Burke.

> "We proposed to your Lordships to prove Mr. Hastings guilty by showing the falsehood of the pretext which he made to cover his actions. Your Lordships permitted us to read the pretext, and we would have produced the evidence to prove the falsehood of this pretext. Your Lordships have refused us that: by which we stand in this unlucky circumstance, that we seem, *primâ fronte*, to have produced evidence against ourselves, whereas we produced only the pretext, in order afterwards to ground upon it the falsehood of that pretext. We are intercepted between the one and the other."

He concluded his observations by stating that it was not the intention of the Managers to adduce any further evidence, at present, upon the branch of the sixth Article he had opened.

After a short address from Mr. Law, complaining of the

1789. licence taken by Mr. Burke in protesting against the decision of the Court, and of its injurious effect upon his client, from its possible influence upon public opinion, as well as from its obstruction to the proceedings, Mr. Anstruther offered to begin his opening of the remainder of the Article. But the Parliamentary session was drawing to a close, and the Lord Chancellor proclaimed the adjournment of the trial to the first Tuesday in the next session. Before his Lordship had left the woolsack, Mr. Hastings claimed to be heard, and addressed the Court in the following words:—

Close of the session of 1789.

Mr. Hastings' address, 8th July, 1789.

"My Lords, I feel myself unfit for the occasion which calls upon me to state to your Lordships what I feel of the unexampled hardships of this trial. I came here not prepared for such an event as I see is now impending. I beg that your Lordships will indulge me but for a few minutes while I recollect myself. I beg you will consider the situation in which I stand, as well as the awe which I must feel before such an assembly.

"My Lords, I have already, in an humble petition, presented to your Lordships at the beginning of this year, stated the hardships and grievances, and but a part of the hardships and grievances, which I thought I should sustain when only one year of this impeachment had passed. Those, my Lords, have accumulated; many of them proportionably accumulated by the time which has since passed; but, in my sense of them, have been infinitely aggravated when I have seen so little done and so much time consumed; and yet not one tenth part of one single Article, out of twenty which compose the charge, has occupied your Lordships' time the last five months. And what period shall I estimate for the remainder of an impeachment, where so little has been done and so much time already consumed? My life is not sufficient, in any estimation of it, for a Parliamentary inquiry; and I do beseech your Lordships—I know not what to make the prayer of my petition; but I do beseech your Lordships to consider what my health—what my life—what my fortune—must sustain, if it should be your determination that I shall wait until it shall please the justice or the candour of the honourable House of Commons, which has impeached me before your Lordships, to carry on this prosecution.

"My Lords, I hope I shall not be thought to deviate from the respect which I feel, I am sure, equally with any man living, for this very august assembly, if I say that, had a precedent been presented to me of a man impeached, as I have been, whose trial had been protracted to such a length, and to such a length as mine probably is to be protracted—if this had been put before my eyes, and I had seen the consequences to which I should have been exposed by such an impeachment—I pray

your Lordships will pardon me if I say I would have pleaded guilty. I would not have sustained the trial. I would rather have rested my cause and my character, dearer to me than life, upon that truth which sooner or later will show itself for the clearing my integrity, than have submitted to a trial which of itself would have proved a hundred times severer than any your Lordships could have inflicted upon me, had you tried me and found me guilty. Had I pleaded guilty, you could not have inflicted a punishment upon me more severe than that I experience by a life of impeachment. 1789.

"I only beg to submit my case to your Lordships, that, if it is in your power to apply a remedy to the hardships I sustain and am sustaining, you will do it. I cannot propose anything so ungracious as that your Lordships should waste more of your time in the continuation of this trial, when so much of the year has passed, and when, by the custom of this country and the custom of Parliament, I believe, it has been always usual for the Lords to retire from the business of the session; and I do wish to submit myself to your Lordships' justice and to your Lordships' clemency. Yet, if the honourable Managers could propose a short time—a period such as your Lordships could give for the remainder of this impeachment, which, I have been told, perhaps falsely, was to end with the present Article of charge—I would rather waive my defence—I would rather pray your Lordships to proceed to judgment, even upon the evidence which they have adduced on the part of the prosecution only—than wait longer, to I know not what time, for the regular conclusion of it.

"I hope I have said nothing which can be deemed disrespectful to the Court—I am sure I have felt nothing like it—and I submit myself."*

Libel against the House of Lords.

Whatever disposition might be felt by the House to meet the wishes of Mr. Hastings by continuing the proceedings over the usual period, the approaching absence of the Judges, on circuit, rendered this impracticable. Yet a paragraph appeared in a newspaper called "The World," complaining of want of spirit in the Lords, to put an end to the proceed-

* To this address of Mr. Hastings the following answer was made by the *Lord Chancellor*.—"Mr. Hastings, the Lords will certainly take into consideration everything of the sort that has been alleged on your part, and which can possibly be conducive to the justice of the case. You will recollect that this is not at the instance of the Managers at all, but merely with a view to see how the best justice can possibly be done; and, in any rule which the Lords can come to, they will undoubtedly entertain a full consideration of all those matters upon which the justice of the case ought to turn."

Mr. Hastings—"I rely with perfect deference upon your Lordship's justice."

1790. ings. This was brought to the notice of the House of Commons by Mr. Marsham, and, on his motion, supported by Mr. Burke, it was voted a scandalous libel on the House, and a prosecution was instituted.

Resumption of the trial, 16 Feb. 1790.

On the 16th of February, 1790, the fifty-fourth day of the trial, the Lords again entered Westminster Hall in formal procession, and prepared to resume the proceedings. Mr. Hastings having, as usual, been brought to the bar, on his knees, was permitted to rise; and Mr. Anstruther immediately commenced his Opening of the remainder of the sixth charge, on the subject of presents alleged to have been illegally received by Mr. Hastings. His speech, in which the facts of the case were very simply and effectively stated, occupied the day's sitting.

Mr. Anstruther's opening of the remainder of the sixth Charge concerning presents.

Objections of irrelevant evidence overruled.

On the 18th and 23d of February, the Court was engaged in receiving written evidence, adduced by Mr. Anstruther, on the subject of that part of the charge he had opened. On each day, prolonged discussions arose between the learned Manager and Mr. Law, on objections made by the latter that the evidence referred to matters not charged in the impeachment. The judgment of the Lord Chancellor was in Mr. Anstruther's favour.

Examination of Mr. Wright.

On the 25th of February, the fifty-seventh day of the trial, Mr. Wright, of the East India Company's Accountant's office, was examined on the comparative expenses of the old revenue establishment and that instituted by Mr. Hastings. After which, Mr. Anstruther was proceeding to put in evidence to show the corrupt character of Kelleram, whom Mr. Hastings had appointed collector of Behar, and from whom he was charged with having received four lacs of rupees, equal to 40,000*l.*, but he was stopped by Mr. Law, on the ground that Kelleram's character and fitness for his office formed no part of the charge against Mr. Hastings. After a discussion, supported by Mr. Anstruther and, at great length, by Mr. Burke, on the one side, and by Mr. Law on the other, the Lords withdrew to their own chamber. In

Objection to evidence of the corrupt character of Kelleram.

1790.

about half an hour's time they returned, and the Lord Chancellor informed the Managers that they were restricted from giving evidence of the unfitness of Kelleram for his appointment, "the fact of such unfitness not being charged in the impeachment." Mr. Burke reflected with severity on their Lordships' judgment. He complained that the case determined on was not the case the Managers would have proposed. He asserted that "the Commons of Great Britain are not bound by any rules of pleading;" that, as laymen, they were ignorant of the doctrine of pleading, and could only be guided by rules of equity; that the proposed evidence was to prove aggravation of an offence charged, and that Mr. Hastings had a perfect knowledge that such aggravations would be charged against him. After the reading of further evidence the Court adjourned.

Objection allowed.

Mr. Burke's reflections on the Lords' decision.

The next sitting of the Court, which was not till the 22nd of April, was entirely occupied in arguments between the Managers and Counsel on the admissibility of evidence, to show that the lease granted to Kelleram by Mr. Hastings of the collectorship of Behar was injurious to the interests of the Company. The acceptance from Kelleram of the sum of four lacs of rupees had been admitted by Mr. Hastings; and it remained to show that he had received it from a corrupt motive. It was, therefore, important to the case to prove primarily that the lease was not a beneficial one for the Company; and they were prepared to show that Kelleram was in great arrears in his payments. The objection made to the evidence was, that what it was offered to prove was not made a matter of charge in the Article. The point was argued for a long time between the parties; and, at length, the Court was adjourned to the 27th, in order to give time to the Lords to consider their decision.

Question of admission of evidence of injury to the Company by Kelleram's lease.

On the Court reassembling, late in the day on the 27th, the Lord Chancellor announced that it "was not competent to the Managers to produce evidence to prove that Kelleram's rent was in arrear." Mr. Fox complained that the Court was peculiar in delivering its judgments without communi-

Decided against the admission.

Complaint by Mr. Fox of the Lords'

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silence on the grounds of their decision.

Examination of Mr. Hudson and Mr. Young.

cating the grounds on which they were formed; but was unable to elicit explanations from the Lord Chancellor, beyond the statement, "that the order of the House rejects the evidence as inapplicable to this charge." The examinations of witnesses was then proceeded with, and Mr. Hudson, of the India House, and Mr. Young, formerly a member of the Provincial Board of Revenue at Patna, were called. Several attempts were made by the Managers to elicit the fact of Kelleram's unfitness for the collectorship, which were with equal tenacity resisted by the Counsel; and, at length, a question put to Mr. Young by Mr. Anstruther, and leading in the same direction, having been objected to by Mr. Law, the Lords withdrew to consider their decision.

Attempts to elicit Kelleram's unfitness for his office.

Decision against a question proposed by Managers.

On the 29th of April, the sixtieth day of the trial, the Court again assembled, and the Lord Chancellor announced the judgment of the Lords, that it was not competent to the Managers to put the question, "What impression the letting of the lands to Kelleram and Cullian Sing made upon the minds of the inhabitants of Behar." Again the system acted on by the Court, in announcing its decisions without explanation of the grounds they were formed on, was attacked by Mr. Fox, Mr. Windham and Mr. Burke, who professed themselves quite in the dark as to the principles on which their Lordships' judgment was founded. A statement was offered by Earl Stanhope, which only served to provoke further remonstrances. The examination of Mr. Young was continued, but was again interrupted by the objection of Mr. Law to a question, whether the country had been oppressed by Gunga Govind Sing, diwan to the Committee of Revenue in Calcutta. He urged that, although, at the end of the charge, the Commons had said—"to the great oppression and injury of the said people"—these words must be considered as inferences of law, and not substantive charges. A long argument ensued, and the Court adjourned without a decision.

Remonstrance of Managers.

Objection to evidence as referring to matters not in the charge.

Objection allowed.

On the 4th of May, the Lords resumed the proceedings, and their judgment on the question raised at their last

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sitting was adverse to the Managers. After considerable consumption of time in altercations on the manner of putting a question to Mr. Young, this witness was ordered to retire, and Mr. Anderson, who had been the President of the new Revenue Board established by Mr. Hastings, was examined.

Examination of Mr. Anderson.

On the 11th of May, the examination of Mr. Anderson was continued.* Both this witness and the gentleman next called, Mr. Moore, were examined respecting the character of Gunga Govind Sing. An attempt was made by Mr. Hastings' Counsel to injure Mr. Moore's credit, by making him state that he had been dismissed from his office; and much time was occupied, on this and the next court day, the 18th of May, in explanations on this subject.

Of Mr. Moore.

Attempt to discredit the witness.

The remainder of the sitting on the 18th of May was occupied in the examination of Mr. William Harwood, a gentleman who had held office in the revenue department. An effort was made by the Managers to go into evidence respecting the cruelties alleged to have been exercised by Deby Sing on the inhabitants of Dinagepore, and which had been detailed with terrible force by Mr. Burke in his General Opening of the prosecution. Their object was opposed by Mr. Hastings' Counsel. The Lords withdrew to consider the question raised; and, on their return, the Lord Chancellor informed the Managers "that it was not competent for them to give evidence of the enormities actually committed by Deby Sing, the same not being charged in the impeachment." On the announcement of their Lordships' decision, Mr. Burke remarked on the injury done to the cause by this exclusion of a charge in which Mr. Hastings' character was deeply concerned.

Examination of Mr. Harwood.

Objection to evidence of Deby Sing's cruelties.

Objection allowed.

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* Much merriment was occasioned by the answer of this witness to the question in reference to an opinion expressed by him relative to a movement of troops, whether he was a military man: his reply being, "that he most certainly was not, though he had been two years in the militia." It is stated in the "History of the Trial," that "this high compliment to the military character of the militia raised a loud laugh in every part of the hall. Many of the peeresses joined heartily in it, looking at the noble Judges in the body of the Court, many of whom wore militia cockades."—Part III., p. 22.

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Remarks of Mr. Burke.

Much violent altercation ensued. Mr. Burke insisted on his ability to prove the atrocities he had described, and complained of being thwarted in his intention of bringing forward evidence upon them, adding that, "when the accusation was first made, the prisoner's Counsel called for proofs, and now when these are offered, they shrink from them and will not hear them." Mr. Law, with great warmth, retorted that the honourable Manager was bold only because he knew the proof which he spoke of could not be received, and exclaimed with violence, "I call upon your Lordships, for the honour of your Lordships and the justice of Great Britain, that the honourable Manager may couch all he has said in a charge, that Mr. Hastings may have an opportunity of meeting it; and, if he does not falsify every matter of cruelty that the Managers have repeated over and over again, may the hand of this House and may the vengeance of Almighty God fall heavy upon him!"*

Mr. Law's challenge to the Managers to put Deby Sing's cruelties in the charge.

Objection to evidence falsifying a letter of Mr. Hastings.

On the 20th of May, the sixty-fourth day of the trial, after examination of an oral witness, the Court was engaged in hearing arguments, chiefly of Mr. Anstruther, on the admissibility in evidence of a letter of Mr. Hastings to the Directors, dated the 13th of April, 1781, and offered by the Managers as falsifying the contents of another letter from Mr. Hastings to the Directors, dated the 5th of May, 1781, and as showing that he had imposed upon them with respect to the appointment of the new Committee of Revenue, and that he had let the lands of the zamindars to men of unfit character. The Lords withdrew to consider their decision.

Objection allowed.

On the 2d of June, the Lord Chancellor announced their Lordships' judgment,—"that it is not competent for the Managers to give any evidence upon the seventh Article of impeachment, to prove that the letter of the 5th of May, 1781, is false, in any other particular than that wherein it is expressly charged to be false." The remainder of the sitting

* Gurney's Report of the Evidence, MS.; and "History of the Trial."

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was occupied in examining witnesses and receiving written evidence submitted by the Managers.

Mr. Fox's summing of the evidence on the charge relating to presents.

On the two following court days, the 7th and 9th of June, Mr. Fox summed up the whole of the evidence; which had not been limited to the sixth Article, opened by Mr. Burke, but had been extended to a part of the seventh and the whole of the fourteenth Articles, bearing upon the same subject of illegal presents.

It is stated in the "History of the Trial," that "the hall was as much crowded this day as it had been through the whole of this important trial. Public curiosity was wound up to a higher pitch than on any former day, and every part of the hall was crowded to overflowing." On the conclusion of his speech the Court adjourned, and a message was subsequently sent from the Lords to the House of Commons that the trial was put off to the first Tuesday in the next session of Parliament.

Application by Managers to the House of Commons to drop parts of the charge.

The trial had now lasted sixty-seven days, and had extended through three sessions of Parliament. In this period, four only and part of a fifth, out of the twenty Articles of the impeachment, had been brought forward Mr. Hastings' friends were loud in their complaints of the tediousness of the proceedings, and the heavy expenses he incurred in sustaining so prolonged a prosecution. Convinced of the impracticability of dealing with all the Articles with the same amount of care, and supporting them with the same fulness of evidence, the Managers had already resolved to apply to the House of Commons for authority to shorten future proceedings by abandoning such of the charges as they should see fit. On the 11th of May, Mr. Burke brought forward a motion in the House to this effect. He entered at large into a justification of the measure of impeachment. He spoke of the duration of the trial—that it had occupied sixty-three days, and, allowing an average of three hours to each day's sitting, they had spent one hundred and eighty-nine hours in Westminster Hall. He referred to

Speech of Mr. Burke.

1790. two petitions of Mr. Hastings complaining of the injuries he suffered from the length of the proceedings; and charged him with attempting to evade justice by impeding the proceedings in the trial, in order to gain time. To the resolution authorising the Managers "to insist only upon such and so many of the charges as shall appear to them the most conducive to the obtaining speedy and effectual justice against the said Warren Hastings," was added a second, pledging the House to persist in the impeachment until justice could be obtained. The latter resolution was objected to, but not opposed, by Mr. Pitt, and they both passed.

Letter of Major Scott reflecting on the Managers.

But the debates did not terminate with the passing of these resolutions. In reference to Mr. Burke's speech, in introducing them, a letter appeared in Woodfall's "Diary," of the 20th of May, signed by Major Scott, and in which he contradicted Mr. Burke's statement that Mr. Hastings' complained of having been put to an expense of three thousand pounds in procuring copies of papers at the India House, and charged Mr. Burke with reviving a calumny refuted a year ago. The letter further endeavoured to show that the length of the trial was owing to intentional efforts of the Managers to protract proceedings.

Voted libellous.

On the following day, the 21st of May, General Burgoyne brought this letter to the notice of the House. Major Scott was called upon to make his defence, which he immediately delivered at great length. Mr. Sheridan moved that the letter was a scandalous and libellous writing; but Mr. Pitt moved an adjournment, to allow time to consider the character of the letter.

On the 27th of May, the House resumed the debate, and Major Scott was allowed to add further remarks to his defence. Mr. Burke, Mr. Fox and Mr. Dundas, delivered their opinions, and the motion was carried without a division. It was further moved and carried that Major Scott had violated his duty as a member, and had been guilty of a breach of the

Major Scott reprimanded.

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privileges of the House. It was then moved, that he "be reprimanded at the bar of the House by Mr. Speaker." An amendment to the terms of the motion was proposed by Mr. Pitt, by substituting "in his place" for "at the bar of the House," and, after a long debate, was assented to; and, on the 28th of May, Major Scott received the reprimand of the House through the Speaker.*

Dissolution of Parliament.

The dissolution of the Parliament having taken place after its adjournment, on the 9th of June, 1790, a new Parliament was summoned to meet on the 25th of November following. But the already slow pace of the proceedings in the trial was now reduced to a stand-still by a question affecting its very being; for it began to be freely discussed among Mr. Hastings' friends whether the impeachment had not abated by the dissolution of Parliament.

Question of abatement of the Impeachment.

On the 30th of November, before the address on the King's speech had been moved, Mr. Burke drew the attention of the new House to the importance of proceeding with the trial, and hinted at probable attempts to make the incident of the dissolution a pretext for stopping it.

Motion of Mr. Burke for proceeding with the trial.

On the 9th, the 17th, 22d, and 23d of December, the House debated on the question of going into committee, to consider the state in which the impeachment was left at the dissolution of the last Parliament, a counter resolution having been moved, that a committee be appointed for the purpose of examining precedents. Mr. Erskine was the principal supporter of this proposition, and he evinced much research in his arguments to prove that the impeachment had either altogether abated or could not be resumed *in statu quo.* Mr. Addington, the Speaker, produced a book of precedents, collected from the best authorities, to prove the contrary principle, and Mr. Pitt spoke with great clearness and effect on the same side of the question. The number who voted against a committee to search for precedents was

Counter-motion for searching precedents.

Its defeat.

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* See the "History of the Trial," Part III., pp. 24, *et seq.*

1790. 143 to 30. Although Mr. Burke took part in the debate, it was remarked that he left to Mr. Addington the labour of collecting precedents, and to Mr. Pitt the part of answering Mr. Erskine; but he privately stated that, though he was firm in his judgment and ready with precedents, he was desirous that Mr. Pitt's concurrence in his opinions should be generally known.*

1791.

Motion of Mr. Burke to abandon portions of the charge.

On the 14th of February, after the recess, Mr. Burke moved for continuing the trial, and, as a preliminary measure, proposed—"that the Managers proceed no further than in the charges on which they have closed their evidence, except the charge relating to contracts, pensions and allowances."

Defeat of amendments to stop the trial.

An effort was made by various members, including Mr. Jekyll and Mr. Ryder, who moved amendments on Mr. Burke's motion, to stop the trial entirely; but the original question was carried, after divisions on the amendments, of 54 to 194, and 79 to 161. The Managers were immediately reappointed to continue the prosecution.

Question of the abatement discussed by the Lords.

But the question of abatement or non-abatement by a dissolution was not disposed of by the mere vote of the House of Commons. The decision lay with the House of Peers; and the subject was brought before them on the 17th of February by a message from the House of Commons, delivered by Mr. Burke, supported by Mr. Pitt, on his right hand, and Mr. Fox, on his left, and attended by more than one hundred members. The Lords were informed that the Commons had resolved to continue the impeachment, and they were desired to fix a day for resuming the proceedings.

Committee for precedents.

Lord Grenville immediately moved the appointment of a committee to examine the journals for precedents; which was ordered. The report of the committee was brought up on the 19th of April, and the debate upon it took place on the 16th of May, Lord Porchester moving "that a message be sent to the Commons to inform them that

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* So stated by Mr. Adolphus in his "History of England," "from private information, and an unpublished letter of Mr. Burke," vol. vi., p. 165.

they (the Lords) were ready to proceed on the trial of Warren Hastings, Esq." The Lord Chancellor recommended that they should first consider whether the impeachment had abated or not. Lord Radnor moved to refer this question to the Judges. His motion was rejected by a majority of 70 to 20; and, after further debate, the original motion was carried by a majority of 66 to 18. The following Monday was fixed for proceeding to Westminster Hall. 1791.

Vote for continuing proceedings.

Mr. St. John's opening of the Fourth Charge, relating to contracts.

Accordingly, on the 23d of May, 1791, the sixty-eighth day of the trial, the Hon. Andrew St. John, on the part of the Managers, opened the fourth Article of the impeachment, relating to corrupt contracts and agencies, and illegal allowances. The Article charged Mr. Hastings in general terms that, in pursuance of a system of profusion and prodigality, and with a view to enrich his favourites and dependants, he entered into many contracts, without attention to repeated orders from the court of Directors to advertise them publicly; and that he "authorised and approved of many enormous salaries and extravagant allowances to his favourites." The particular charges were, in effect:—"That, in the year 1781, he granted to Stephen Sullivan, son of the Chairman of the court of Directors, a contract for the provision of opium for four years, without advertising for proposals, and upon extravagant terms, "for the purpose of creating an instant fortune to the said Sullivan;' and that the contract was transferred from party to party for large sums of money:—That, upon pretence that no purchaser had offered for the opium so contracted for, he advanced money to the contractor, and engaged in a smuggling transaction, in order to dispose of it in China, to the loss of the Company and the disgrace of the British character:—That, having, in the year 1777, accepted proposals for providing draft and carriage bullocks to the army for three years, without advertising for the same, he afterwards dissolved the contract, and entered into a new contract for five years with

Substance of the charges.

1791. his confidential friend, Charles Croftes, for the provision of a number of bullocks far exceeding the requirements of the army, and at a rate infinitely higher than the previous contract:—That the said contract for bullocks was extended to a sixth year, by the neglect of Mr. Hastings to give notice for its termination, as commanded by the Directors; and that he subsequently purchased the relinquishment of the contract at an extravagant price:—That, in the year 1779, with a view to increase his own influence, he created an establishment for Sir Eyre Coote, the Commander-in-Chief, at an expense of about 18,000*l. per annum*, and fastened the same upon the Nawab of Oude, contrary to treaties:—That, contrary to express orders of the Directors, in 1780, he, on his sole authority, continued large allowances to Sir Eyre Coote, to the extent of 21,654*l. per annum*:—That, in December 1780, he appointed James Peter Auriol to be agent for the purchase of supplies to the different Presidencies, at a time of scarcity, with a commission of fifteen *per cent.*, the usual commission being only five *per cent.*:—That, in 1776, he induced the Council to create an unnecessary appointment of an agent for the supply of stores for the garrison of Fort William, and nominated to it his confidential friend John Belli; that he procured him a commission of thirty *per cent.*, and, afterwards, converted the agency into a contract for five years.

Immediately on the conclusion of Mr. St. John's opening speech, Mr. Hastings rose and addressed the Court in the following words:—

"My Lords, I shall take but a very few minutes of your Lordships' time, but what I have to say I hope will be deemed of sufficient importance to justify me in requesting that your Lordships will give me so much indulgence.

"A charge of having wasted 584,000*l.* is easily made where no means are allowed for. It is not pleasant for me, my Lords, from week to week, from month to month, and from year to year, to sit here to hear myself accused of crimes, many of them of the most atrocious dye, and all represented as such, and to feel that I never shall be allowed to

answer them. My Lords, in the life of a man already approaching very near to the close of it, as mine does, four years, in which his reputation is to be branded to the world, is too long a period. I never expect to be allowed to come to my Defence, nor to hear your Lordships' judgment upon the trial. I have long been convinced of it. Nor has the late resolution of the House of Commons, which I expected to have heard announced to your Lordships here, afforded me the least glimpse of hope that the termination of my trial is a bit the nearer. My Lords, it is now four years complete since I first appeared before your Lordships' bar. Nor is this all. I came, my Lords, to your bar with a mind sore from another inquisition in another place, which commenced—if I may be allowed to date it, because I had that impression upon my mind which obliges me to do it, I may date it from the day on which I arrived in this capital upon my return to England, after thirteen years service. On that day was announced to the House of Commons the determination of arraigning me for the whole of my conduct during my government. I have been now an accused man during six years. I now approach very near—I do not know whether my recollection fails me, but I believe I am now sixty years of age; and, my Lords, can I waste my life in sitting here to hear myself from time to time arraigned—not only arraigned, but tortured with invective of the most atrocious and virulent kind? I appeal to every man's feelings whether I have not borne more than many even of your Lordships would bear, and with a patience that nothing but a consciousuess of my own integrity and respect for your Lordships could have enabled me to bear. 1791.

" My Lords, as the House of Commons have declared their resolution that, for the sake of speedy justice—I think that was the term—they have ordered their Managers to close their prosecution with the Article which has now been opened to your Lordships and to abandon the rest, I now see a prospect, which I never saw before, but which it is in your Lordships' power to realise, of a close to this disgraceful situation in which I have been so long placed; and, however I may be charged with the error of imprudence, I am sure I shall not be deemed guilty of disrespect to your Lordships in the request I have to make. That request is, that your Lordships will be pleased to grant me that justice which every man in every country in the world, free or otherwise, has a right to—that where he is accused he may defend himself—that where he is accused he may have the judgment of the Court upon the accusation. I, therefore, do pray your Lordships, notwithstanding the time of the year—I feel the weight of that reflection upon my mind—but I pray your Lordships to consider, not the unimportance of the object that is before you, but the magnitude of the precedent, which every man in this country may bring home to his own feelings, of a criminal trial suspended over his head for ever. Every man may be liable to that trial which I now sustain, but, in the history of the jurisprudence of this country, I am told—and I have taken some pains to search, and as far as my search can go it has been verified—there never yet was an instance of a criminal trial that lasted

1791. four months, before mine, nor even one month, excepting in one instance —an instance drawn from a time and from a situation of this government which I hope will prevent it ever being drawn into a precedent for this or for any enlightened time. My Lords, the request that I have to make is, that your Lordships will be pleased to continue the sitting of this Court until the prosecution shall be closed, I shall be heard in my defence, and your Lordships shall have proceeded to judgment. My Lords, it is not an acquittal that I desire—that will rest with your Lordships and with your own internal conviction—I desire a defence, and I desire a judgment, be that judgment what it may.

"My Lords, I have humbled myself before this Court, and have been reproached. I am not ashamed to bow before an authority to which I owe submission, and for which I feel a respect that exacts it as a willing oblation from me. I now again with all humility present myself an object to your justice and to your humanity; for I am not a man of apathy, nor are my powers of endurance equal to the tardy and indefinite operation of Parliamentary justice. I feel it as a very cruel lot imposed upon me, to be tried by one generation and, if I live so long, to expect judgment from another. For, my Lords, are all the Lords present before whom I originally stood? Are not many gone to that place to which we must all go? I am told that there is a difference of more than sixty in the identity of the judges before whom I now stand.

"My Lords, I pray your Lordships to free me from this state of unexampled suspension. I again repeat my request that you will be pleased to resolve to continue this session of your Lordships' Court until the prosecution shall be closed, until I shall be heard in my defence, and until your Lordships shall have proceeded to judgment. If your Lordships shall please, I have drawn up a petition to that effect, in form, which I am very desirous of presenting now, or in any other manner which your Lordships shall think proper to order."*

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* The petition was as follows :—

"To the Right Honourable the Lords Spiritual and Temporal in Parliament assembled:

"The humble Petition of Warren Hastings, Esq., late Governor General of Bengal.

"Sheweth,—

"That your Petitioner, having long waited in anxious expectation of your Lordships' determination respecting his reappearance at your Lordship's bar, finds himself relieved from one source of suspence, by being again brought before this high court; and he has so great a confidence in the justice and dignity of your Lordships as to believe that, in this renewal of a trial so long depending, your Lordships mean to render it effectual to the ends of substantial justice, by prosecuting it without delay, until it shall reach its final termination. If such should be your Lordships' purpose, your Petitioner will accept it as the greatest bounty which he can receive at the hands of your Lordships; but, should his trial be adjourned over to another year, he trusts that he shall not be considered as departing from the respect which he bears to your Lordships, if he presumes to say, that he shall feel it as an aggravation of the very severe lot which it has been his misfortune to experience, and of which he is the first example in the jurisprudence of this kingdom, if in any other a precedent can be found, of a criminal trial being suspended over the

Mr. Burke rose immediately on the conclusion of this address. He protested against the imputation that the Managers had interposed delays in the proceedings. He justified the severity of language used by the Managers, by instancing the impeachment of Lord Macclesfield, who, he said, was charged with bribes, not with cruelty, while Mr. Hastings was "charged with horrors"—with the worst of crimes—with murders; and he offered to go on with the trial if the Crown should be induced to prolong the session till it could be completed. Mr. Fox also made some observations on the

1791.

Mr. Burke's justification of the conduct of the Managers.

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head of an individual, living under a fixed law and a civilised government, during so long a period of his natural life, and so near the close of it.

"That four years are completely elapsed since your Petitioner was first compelled to appear at your Lordships' bar, to hear read and to answer to the charges preferred against him by the late Honourable House of Commons; but that he computes the origin of their impeachment from a much more distant date, the first notification of an accusatory process having been made so long ago as June, 1785, the process itself begun in February, 1786, and continued through one prorogation and many adjournments until May, 1787, when the impeachment was carried to your Lordships' bar; so that, in effect, though not in form, your Petitioner has been the subject of a criminal process before two Parliaments and through six successive years; yet his prosecutors to this time have closed their evidence upon three Articles only, namely, the first, second and sixth, omitting many points of those Articles, but selecting a very few points from the 7th and 12th, as explanatory of the sixth Article. That your Petitioner craves leave to represent that he did, in an early stage of the first inquiry, cause it to be represented to the late Honourable House of Commons, as his earnest request, that, if the said House of Commons should enter upon their journals any vote of crimination or censure against him, they would be pleased to allow your Petitioner the means of a fair and legal trial for the same; but that the object of your Petitioner, in making that request was, that he might be afforded the means of vindicating his character from the foulest and most unjust aspersions; but he has to lament that those aspersions should have been renewed aud repeated from week to week, from month to month, and from year to year, without any power of reply or prospect of time allowed him for his defence and acquittal. That, great as his reliance is on your Lordships' justice, it is yet impossible for him, judging from past experience, not to feel the apprehensions of further delay, when he recollects that the last great adjournment of the Court, held by your Lordships in the preceding Parliament, was made on the 9th of June, and that in neither of the preceding years did it sit later than the 7th of July; that, therefore, the longest interval which he can compute for what remains of this session of Parliament, in its ordinary course, will be insufficient to enable your Petitioner to enter upon his defence, much less to bring it to a conclusion; but that he will have to sustain the intolerable grievance of seeing another year of prosecution added to the past.

"Your Petitioner, therefore, most humbly and earnestly prays your Lordships to take the particular and unprecedented hardships of his case into consideration, and to adopt such measures as your wisdom may devise for continuing the proceedings of your Lordships' Court, so that the trial may be brought to a close, and judgment given, before another prorogation of Parliament; your Petitioner craving leave to assure your Lordships that no unnecessary delay shall be made on his part, but that he will endeavour to take up as short a time as possible in his defence."

1791. statements of Mr. Hastings, who disavowed any intention of charging the Court "with injustice, or with being in any degree the cause of the delays which have happened."

Production of evidence on the Fourth Charge.

The 25th and 27th of May were occupied in the production of evidence, oral and written, on the charge relating to contracts, with occasional interruptions by the exceptions taken by Mr. Hastings' Counsel. On the 30th of May, the seventy-first day of the trial, Sir James Erskine St. Clair summed up the evidence, and the case for the prosecution was closed. At the conclusion of the Manager's speech, Lord Kenyon, who presided as Speaker, intimated to Mr. Hastings that he was at liberty to make his defence; and, at Mr. Hastings' request, the Lords consented to grant him a hearing on the following Thursday. Accordingly, on the 2nd of June, the seventy-second day of the trial, Mr. Hastings read at the bar of the Court a general defence of his administration of India, and an answer to the several charges that had been brought against him. He offered to forego the advantage of a more particular defence, in the expectation of drawing from his judges an immediate verdict, but reserved to himself the right of a formal defence by his Counsel should he be disappointed in that hope.* After hearing his address, the Court adjourned to the first Tuesday in the next session of Parliament.

Summing of the evidence by Sir J. St. Clair, and close of case for the prosecution.

General defence read by Mr. Hastings.

Close of the session of 1791.

1792.

Mr. Law's general opening of the Defence.

At the assembling of the Court, on the 14th of February, 1792, the seventy-third day of the trial, Mr. Law commenced his general opening of the Defence, in a speech of great power, which he continued on the 17th, and finished on the 21st of the month.

Mr. Plumer's opening of the Defence on the First Charge.

On the 23d of February, and the four succeeding court days, the 29th of February, the 1st of March, the 24th and 26th of April, from the seventy-sixth to the eightieth day of the trial, Mr. Plumer engaged the attention of the Court in an elaborate and lucid defence on the first Article of the impeachment. His speech closes the present volume.

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* Mr. Hastings' Defence is printed in the present volume, p. 482.

Reports of the several speeches contained in the present volume have been accessible to the Editor in the following forms. Excepting Mr. Hastings' Address, all the speeches have been printed from Gurney's Notes.

I. *Burke's Opening of a portion of the Sixth Charge, on the* 21*st and* 25*th of April, and* 5*th and* 7*th of May,* 1789. 1. Gurney's contemporaneous report. 2. The same, revised by Mr. Burke, and printed among his works.

II. *Anstruther's Opening of the remainder of the Sixth Charge, on the* 16*th of February,* 1790. Gurney's Report. Besides the copies of this report in the Editor's hands and in the Library of Lincoln's Inn, another is preserved in the British Museum, Additional MS., 17,076, f. 70.

III. *Fox's Summing of the Evidence on the Sixth, part of the Seventh, and the Fourteenth Articles of the Charge, on the* 7*th and* 9*th of June,* 1790. Gurney's Report.

IV. *St. John's Opening of the Fourth Charge, on the* 23*d of May,* 1791. 1. Gurney's Report. 2. Fragment of the Report of Mr. Hastings' short-hand writer, for the seven first pages of the speech, in the British Museum, Additional MS. 17,073, f. 1.

V. *St. Clair's Summing of the Evidence on the Fourth Charge, on the* 30*th of May,* 1791. Gurney's Report.

VI. *Hastings' Address, on the* 2*d of June,* 1791. 1. Gurney's Report. 2. Report of Mr. Hastings' short-hand writer, formerly in the possession of Mr. Hastings' solicitors, and now in the British Museum, Additional MS., 17,073, f. 102. 3. Copy, apparently, of the notes from which Mr. Hastings' read his Address; printed in the "History of the Trial," Part IV., p. 81, and which is followed in the present publication.

VII. *Law's General Opening of the Defence, on the* 14*th,* 17*th and* 21*st, of February,* 1792. 1. Gurney's Report.

2. The same with occasional alterations, formerly belonging to Mr. Hastings' solicitors, and now in the British Museum, Additional MS., 17,077, f. 1.

VIII. *Plumer's Opening of the Defence on the First Charge, on the 23d and 29th of February, the 1st of March, and the 24th and 26th of April,* 1792. 1. Gurney's Report. 2. The same with alterations, formerly in the possession of Mr. Hastings' solicitors, and at present in the British Museum, Additional MS., 17,078, f. 1.

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SPEECHES

IN THE

TRIAL OF WARREN HASTINGS, ESQ.

SPEECH OF THE RT. HON. EDMUND BURKE, MANAGER FOR THE HOUSE OF COMMONS, IN OPENING THE SIXTH ARTICLE OF THE CHARGE, RELATING TO PRESENTS; 21 APRIL, 1789.

21 APR. 1789.

Delay occasioned by the King's illness.

MY LORDS,—An event, which for a considerable time had spread an universal grief and consternation through this kingdom, and, in its issue, diffused as universal and transcendent a joy, has, in the circumstances both of our depression and of our exaltation, produced a considerable delay, if not a total suspension, of the most important functions of government.

My Lords, we now resume our office; and we resume it with new and redoubled alacrity, and, we trust, under not less propitious omens than when we left it in this House at the end of the preceding session. We come to this duty with a greater degree of earnestness and zeal, because we are urged to it by many and very peculiar circumstances. This day we come from a House where the last steps were taken to prepare our way,—and, I suppose, something has happened similar in this,—to attend in the utmost solemnity a great national thanksgiving, in another place, for the restoration of the Sovereign to his Parliament and the Parliament to its duties.

National thanksgiving for the King's recovery.

But, my Lords, it is not only in the house of prayer that we offer to the First Cause the acceptable homage of our

Homage shown to the

21 Apr. 1789. rational nature. My Lords, in this House—at this bar—in this place—in every place where his commands are obeyed his worship is performed; and, my Lords, I must be bold to say, and I think I shall hardly be contradicted by your Lordships, or by any persons versed in the law which guides us all, that the first act of religion, and the first homage which we pay and must pay, is an imitation of the divine perfections, as far as such a nature can imitate such perfections, and that by this means alone we can make our homage acceptable to him. My Lords, the first great distinguishing attribute by which we are held by the chain of causes to the first link of all, is the quality of justice; and in this solemn temple of representative justice we may best give praise, because we can best imitate those divine attributes, the resemblance of which alone can approximate us to their cause. If ever there was a cause in which justice and mercy are, not only combined and reconciled, but incorporated, it is in this cause of suffering nations which we bring before your Lordships, now, unwearied and unfatigued in our persevering pursuit, in the second session of Parliament. My Lords, we think that it is a necessary preliminary—that it is a necessary part—that it is a necessary attendant and concomitant—of every public thanksgiving, that we should give thanks with our virtues, and not merely with our mouths; that, when we are giving thanks for acts of mercy, we should render ourselves worthy of them by doing acts of mercy ourselves. My Lords, these considerations strongly urge us at present, independent of the great considerations which were our first movers in this business, to pursue with all manner of zeal and perseverance the great cause we have now in hand. And we think it necessary the more to say something upon this subject, because we cannot but be sensible that light, unstable, variable, capricious, inconstant, fastidious, minds soon tire in any pursuit that requires strength, steadiness and perseverance. Such persons, who are but few and who certainly do not resemble your Lordships nor us, begin already to say—how long is this business to continue? Our answer is—it is to continue till its ends are obtained.

Deity by execution of justice.

Determination of the Managers to pursue the prosecution with vigour.

We know that, by a mysterious dispensation of Providence, injury is quick and rapid and justice slow; and we may say that those who have not patience and vigour of mind to attend the tardy pace of justice counteract the order of Providence, and are resolved that they shall not be just

at all. We therefore, instead of bending the order of nature to the laxity of our characters and tempers, are rather to confirm ourselves by a manly fortitude and virtuous perseverance, to continue in those forms, and to wrestle with injustice, until we have shown that those concomitant virtues which sometimes wickedness debauches into its cause, such as vigour, energy, activity, fortitude of spirit, will be called back and brought to their true and natural service; and that, in the pursuit of that wickedness—in the following it through all the winding recesses and mazes of its artifice—we shall show as much vigour, as much constancy, as much diligence, energy and perseverance, as any men can do in endeavouring to elude the laws and triumph over the justice of their country. My Lords, I say this, because it has been given out as if we might faint in this business. No; we follow, and trust we shall always follow, the great emblem held out to us by ancient nations, where the person who held out a long line of labours found the reward of all the eleven labours in the twelfth. Therefore our labour is our reward. We go on—we persevere—we pursue with vigour and diligence, in a manner suitable to the Commons of Great Britain, every mode of corruption, till we have thoroughly eradicated it. 21 Apr. 1789.

Answer to the complaint respecting the costs of the proceedings to the defendant.

I think it necessary to say a word, too, upon another circumstance, of which there is some complaint, as if some injustice arose on our part from voluntary delay. I have stated incidentally, first, the melancholy, then, the joyful, occasion of our delay. I shall now say a word to a complaint which I understand was formally made to your Lordships, soon after we had announced our resolution to proceed in this great cause of suffering nations before you. It has been alleged that the length of the pursuit hath very much distressed the person who is the object of it; that it leaned upon a fortune unequal to support it; and that 30,000*l.* had been already spent in the preliminary preparations for the defence. My Lords, I do admit that all true, genuine and unadulterated, justice considers the person whom it ought to punish with a certain degree of tenderness, and by no means oppresses those by the process who ought not to be oppressed but by the sentence of the court to which they are going to be brought. The Commons have heard with some degree of astonishment that 30,000*l.* hath been laid out by Mr. Hastings in this business. We, who have some experience in the conduct of affairs of this nature,—we, who profess not so much to proceed with regard to the economy as the vigour

21 Apr. 1789. of this prosecution—and we are justified by our country in so doing—are much surprised to find [it so], upon a collation and comparison of the public expenses with those the defendant is supposed to have incurred. We are much surprised to have heard it. We suppose that his solicitors can give a good account to him of those expenses; that the thing is true, and that he has actually through them incurred this expense. But we have nothing to do with this: and we shall remove any degree of uneasiness from your Lordships' minds, and from our own, if we show you that, in the charge which we shall bring before you this day, one bribe only received by Mr. Hastings—the smallest of his bribes, or nearly the smallest—the bribe received from Raja Nobkissin—is alone more than equal to have paid all the charges he is stated to have incurred. And, if this be the case, your Lordships will not be made much uneasy, in a case of bribery, to think that you press upon the sources of peculation.

Answer to the complaint that the public patience is wearied by the proceedings.

There is another circumstance. It has been said that we weary out the public patience in this cause. The House of Commons, who do not call upon your Lordships to do anything of which they do not set the example, have but very lately sat in the Colchester Committee within one or two days of the number of days that have been spent in this trial. Every cause deserves that it should be tried according to its nature and circumstances; and, in the case of the Colchester Committee, in the trial of paltry briberies—of odd pounds, shillings and pence—in the corruption of a returning officer, who is but a miller—they spent the same number of days that we have been inquiring into the ruin of kingdoms by the peculation and bribery of the Chief Governor of the provinces of Bengal, Behar and Orissa.* Therefore, God forbid that we should faint at thrice thirty days, if the proceedings should be drawn into such a length, when, for a small crime, as much time has been spent as has been spent in this great cause already.

Having now cleared the way, at the beginning, with regard to the local and temporary circumstances of this case; having shown your Lordships, from a comparison of causes, that too much time has not been spent in this; having no reason to think, from the time that has hitherto been spent, that time will be unnecessarily spent in future—I trust your

* The votes had been even; but Mr. Tierney successfully resisted the return of his opponent, Mr. Jackson, on the ground of acts of bribery. The proceedings lasted from the 7th of February to the 6th of April, 1789.

Lordships will think that time ought neither to be spared nor squandered in this business. Therefore we are to proceed, Article by Article, as far as the discretion of the House of Commons shall think fit, for the justice of the case, to limit the inquiry or to extend it. 21 Apr. 1789

The sixth Article of charge.

We are now going to bring before you the sixth Article of this charge. It is an Article of charge of bribery and corruption against Mr. Hastings. But yet we must confess that we feel some little difficulty *in limine*. We here appear in the name and character of representatives of the Commons of Great Britain, the representatives of the inhabitants of Bengal; and yet we have had lately come into our hands such ample certificates—such full testimonials—from every person in whose cause we complain, that we shall appear to be in the strangest situation in the world—the situation of persons complaining who are disavowed by the persons in whose name and character they complain.* That might appear to be a very great difficulty in the beginning; especially as it is come before us in a flood-tide of panegyric. There never was anything so beautifully expressed, no encomiums so exalted. No language can paint the perfect satisfaction, the entire acquiescence, the wonderful admiration, expressed by all the natives of Bengal, of the character of the person whom we have brought as a criminal to your bar upon their part. I do admit that it is a very awkward circumstance; but yet, at the same time, the same candour which has induced the House of Commons to bring before you the bosom friends and confidants of Mr. Hastings, as their evidence, will not suffer them to suppress for a moment from your Lordships this universal voice of Bengal in an attestation in Mr. Hastings' favour, and we shall produce it as a part of our evidence.

Testimonials from Bengal in favour of Mr. Hastings.

Oh, my Lords, consider the situation of a people, when we prove to you the things that we shall prove, who are forced to mix their praises with their groans, who are forced to sign with hands which have been in torture, which are yet warm with the thumbscrews upon them—to sign an attestation in favour of the person from whom all their sufferings have been derived. It will, I hope, give your Lordships a full, conclusive and satisfactory, proof of the

* In the latter part of the year 1788, several addresses from native inhabitants of British India to the Court of Directors in favour of Mr. Hastings were procured by his attorney in India, and presented through the Governor General. See a letter of Lord Cornwallis to the Directors respecting these testimonials, printed in the "Correspondence of Lord Cornwallis," vol. i. p.540.

21 Apr. 1789. misery to which these people have been reduced. You will see before you what is so well expressed by one of our poets as the homage of tyrants,—

> "Mouth-honour; breath,
> Which the poor heart would fain deny,
> But dares not!"

No refutation of the evidence against Mr. Hastings contained in the testimonials.

Mr. Hastings has received that homage: and which homage we mean to present to your Lordships. We mean to present it because it will show your Lordships clearly that, when Mr. Hastings has ransacked Bengal from one end to the other, and has used the power which he had, by having a friend and a dependant of his in every office, from one end of that Government to the other, he has not, in the midst of all these panegyrics—these high-flown Eastern encomiums—got one word of refutation or one word of evidence against any charge whatever which we produce against him. Every one knows that [evidence to character] is, in the course of criminal trials, the last thing that is produced. When the evidence of *alibi*—when all the arts of the Old Bailey are exhausted, at last they call to the character. He is therefore gone in his cause when, having ransacked Bengal, he has nothing to say for his conduct, and at length appeals to his character. I have looked into those little papers that are given to us, relating to the proceedings in our criminal courts. After the evidence of a murder, a forgery or robbery, it ends in his character, and says,—"He has an admirable character—I have known him from a boy—he is wonderfully good—he is the best of men —I would trust him with untold gold;" and immediately follows—"Guilty!" "Death!" This is the way in which, in our courts, character is generally followed by sentence. I do not say that Mr. Hastings is the first to take this course before you. Undoubtedly he is justified by the first court of antiquity; for Caius Verres, Antonius, and every other man who has been famous for the pillage and destruction of provinces, never failed to bring before their accusers the attestations of the injured to their character. Voltaire says, "Les bons mots sont toujours redits." A similar occasion has, in this instance, produced a similar conduct, and just the character which Caius Verres got from other causes and the *laudationes* which your Lordships know always followed, to save trouble these *laudationes* we mean to give your Lordships. We mean to give them, with this strong presumption, that, in all this panegyric, there is not one word of defence to a single Article of charge. They are mere "lip homage." But, as we think, we derive from those panegyrics, that are

Their worthlessness.

sent over as evidence by Mr. Hastings, to supply the total want of it—the claim itself being an evidence of the total want of it—an indication of the impossibility of attaining it. Mr. Hastings has brought it here, and I must say we are under some difficulty about it. And the difficulty is this --we think we have produced before your Lordships proofs of barbarity and peculation by Mr. Hastings; we have the proofs of them in specific provinces, where those proofs may be met by contrary proofs and may lose their weight by a variety of circumstances. But in what condition were we in that? Why we thought we had got the matter sure; that everything was settled; that he could not escape us when he had confessed the bribes he had taken from the specific provinces. Now we have from those specific provinces the strongest attestations that there is not any credit to be paid to his own acknowledgments. In short, we have the very persons whose complaints we shall produce to your Lordships concerning these crimes of Mr. Hastings; we have his own confessions; and then—come back to it again—they have declared that, not only their own complaints are totally unfounded, but that Mr. Hasting's confessions are not true and not to be credited; and, after we think we have got the man, we have certificates to show that his own confessions are not to be trusted. These are circumstances which your Lordships will consider in the view of this wonderful body of attestation. 21 Apr. 1789.

Language of the testimonials.

It is a pleasant thing to see the mode and character of eloquence and addresses in different countries in those that are given before your Lordships. You will see the beauty of chaste European panegyric, improved by degrees into high oriental, exaggerated and inflated, metaphor. You will see how the language is first written in English, then translated into Persian, and then retranslated into English; and you will see the beauty of those styles, which will, in this heavy investigation, tend to give a little gaiety and pleasure: there is something amusing in it. And here we bring before you the European and Asiatic [incense]: you have the perfume shops of the two countries. One of the accusations which we mean to bring against him is upon the part of the zamindar Radanaut, of the country of Dinagepore. See what he says himself:—

Testimonial of Radanaut.

"As it has been learned by me, the Mutsuddies and the respectable officers of my zemindary, that the ministers of England are displeased with the late Governor, Warren Hastings, Esquire, upon the suspicion that he oppressed us, took money from us by deceit and force, and ruined the country; therefore we, upon the strength of our religion,

21 APR. 1789. which we think it incumbent on and necessary for us to abide by, following the rules laid down in giving evidence, declare the particulars of the acts and deeds of Warren Hastings, Esquire, full of circumspection and caution, civility and justice, superior to the conduct of the most learned; and by representing what is fact, wipe away the doubts that have possessed the minds of the Ministers of England; that Mr. Hastings is possessed of fidelity and confidence, and yielding protection to us: that he is clear of the contamination of mistrust and wrong, and his mind is free of covetousness or avarice. During the time of his administration no one saw other conduct than that of protection to the husbandman and justice. No inhabitant ever experienced afflictions, no one ever felt oppression from him; our reputations have always been guarded from attacks by his prudence, and our families have always been protected by his justice; he never omitted the smallest instance of kindness towards us, but healed the wounds of despair with the salve of consolation by means of his benevolent and kind behaviour, never permitting one of us to sink in the pit of despondence; he supported every one by his goodness, overset the designs of evil-minded men by his authority, tied the hand of oppression with the strong bandage of justice, and by these means expanded the pleasing appearance of happiness and joy over us."

Radanaut one of the Princes from whom bribes were taken.

My Lords, here is a panegyric that we begin with, directly contrary to the usual mode of other accusers. We begin by producing the panegyric made upon the person whom we accuse. We are obliged to show to your Lordships—nay we shall give it in evidence—that, of the very person we accuse of these wrongs, we produce to you, along with the charge, the panegyric and certificate of those persons whom we suppose to have suffered them. We suffer ourselves even to abandon our last resource, which is his own confession, by showing that one of the princes from whom he took these bribes has given a certificate of the direct contrary.

All these things will have their weight upon your Lordships' minds; and, when we have put ourselves under this disadvantage—what disadvantage it is your Lordships will judge—at least we shall stand acquitted of unfairness in this business, that we begin to charge him with crimes directly contrary to the panegyrics in this paper contained. And indeed I will say this for him, that, if general charge and loose accusation were answered by loose and general panegyric, this panegyric would be sufficient to overset our accusation. But we come before your Lordships in a different manner and upon different grounds. I am ordered by the Commons of Great Britain to support the charge that they have made and persevere in making,—against Warren Hastings, Esq., late Governor General of Bengal, and now a culprit at your bar,—first, with having taken corruptly several bribes, and extorted, by force or power and colour of

Subject of the present charge—bribes taken from the natives.

his office, several sums of money, from the unhappy natives of Bengal. The next Article which we shall bring before you is, that he is not only personally corrupted, but that he has personally corrupted all the other servants,—those under him whose corruptions he ought to have controlled, and those above him whose business it was to control his corruptions.

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Corruption of the other servants.

We propose to make good to your Lordships the first of these, by submitting to you that part of those sums which we charge were taken by him with his own hand and in his own person, but that much the greater part have been taken from the natives by the instrumentality of his black agents, banyas, and other dependants, whose confidential connection with him, and whose agency upon his part in corrupt transactions, if his Counsel should be bold enough to challenge us to the proof, we shall fully prove before you.

Bribes taken partly by himself, partly by banyas.

The next part and the second branch of his corruption, namely, what is commonly called his active corruption—distinguishing the personal under the name of passive—has been shown by giving, under colour of contracts, a number of corrupt and lucrative advantages. By a number of unauthorised and unreasonable grants, pensions and allowances, he corrupted actively the whole service of the Company.

Corrupt contracts.

And, lastly, we shall show that, by establishing an universal connivance, from one end of the service to the other, he has not only corrupted and contaminated it in all its parts, but bound [every member of] it in a common league of iniquity, to support mutually each other against the inquiry that should detect and the justice that should punish their offences. These two charges we shall bring one after the other, namely, of his active and passive corruption, as strongly and clearly illustrating and as powerfully confirming each other.

General connivance of the whole service.

The first we shall bring is his own passive corruption. We commonly call it so. Bribes are so little known in this country that we can hardly get clear and specific technical names to distinguish them; but, in future, I am afraid the conduct of Mr. Hastings will improve our law vocabulary. The first of these offences Mr. Hastings stands charged with here is,—receiving bribes himself or through his banyas. Every one of these is an overt act of the general charge of bribery; and they are, every one of them, separately taken, substantive crimes. But, whatever the criminal nature of these acts was—and the nature was very criminal, and the consequences to the country very dreadful—whatever there was in these criminal acts of Mr. Hastings, yet we mean to prove to your Lordships that they were not single acts; that

Bribes received through banyas.

Part of a general system of corruption.

21 Apr. 1789. they were not acts committed as opportunity offered or as necessity tempted or urged upon the occasion, but that they are parts of a general, systematic, plan of corruption for advancing his fortune at the expense of his integrity; that he has, for that purpose, not only taken the opportunity of his power, but made whole establishments—wasted, perverted, altered and created, complete revolutions in the country's government, for the purpose of making that which ought to be subservient to regal government subservient to corruption; that, when he could no longer cover these fraudulent proceedings by artifice, he endeavoured to justify them by principle. These artifices we mean to detect—these principles we mean to attack,—and, with your Lordships' aid, to demolish, destroy and subvert, for ever.

Contrast between the present and the previous Charges.

My Lords, I must say that in this business, which is a matter of collusion, concealment and deceit, your Lordships will perhaps not find the same degree of entertainment that you have found in the others. Hitherto you have had before you crimes of dignity. You have had before you the ruin and expulsion of great and illustrious families,—the breach of solemn public treaties,—the merciless pillage and total subversion of the first houses in Asia; but the crimes which are the most striking to the imagination are not always the most pernicious in their effects. In these high eminent acts of domineering tyranny, their very magnitude proves a sort of corrective to their virulence. The occasions on which they can be exercised are rare; the persons upon whom they can be exercised few; the persons who can exercise them, in the nature of things, are not many. But these great acts of superior overbearing tyranny are privileged crimes. They are the unhappy prerogative—they are the distinguished and incommunicable attributes—of superior wickedness in eminent station. But, my Lords, when the vices of low, sordid and illiberal, minds infect that high situation,—when theft, bribery and peculation, attended with fraud, prevarication, falsehood, misrepresentation and forgery,—when all these follow in one train—when these vices, which gender and spawn in dirt and are nursed in dunghills, come and pollute with their slime that throne which ought to be a seat of dignity and purity—the evil is much greater. It may operate daily and hourly. It is not only imitable but improvable; and it will be imitated and will be improved, from the highest to the lowest, through all the gradations of a corrupt government.

Danger from low vices in high situations.

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My Lords, by the vices of the head, when once a Governor General receives bribes he gives a signal to universal pillage to all the inferior parts of the service. The great bridles upon hard-mouthed passion are removed—they are taken away—they are broken. Fear and shame, the great guards to virtue next to conscience, are gone. Shame! how can it exist? It will soon blush away its awkward sensibility. Shame, my Lords, cannot exist long, when they see that crimes which naturally bring disgrace are attended with all the outward symbols, characteristics and rewards, of honour and of virtue. When they see high station, great rank, general applause, vast wealth, following the commission of peculation and bribery, is it to be believed that they can long be ashamed of that which they see to be the road to honour?

Loss of power, in a Governor General who takes bribes, to check corruption in the service.

As to fear, let a Governor General once take bribes, there is an end of all fear in the service. What have they to fear? What? Is it the man whose example they follow that is to bring them before a tribunal for their punishment? Can he open any inquiry? He cannot. He that opens a channel of inquiry under these circumstances opens a high road to his own detection. Can he make any laws to prevent it? None; for he can make no laws to restrain that practice, without the breach of his own laws immediately in his own conduct. If we once admit, for a single instant, in a Governor General a principle, however defended upon any pretence whatever, to receive bribes in consequence of his office, there is an end of all virtue—an end of the laws, and no hope left in the supreme justice of the country. We are sensible of all these difficulties; we have felt them; and, perhaps, it has required no small degree of exertion for us to get the better of these difficulties which are thrown in our way by a Governor General accepting bribes, and thereby screening and protecting the whole service in such iniquitous proceedings.

Objects of the present address.

With regard to this matter, we are to state to your Lordships, in order to bring it fully and distinctly before you, what the nature of this distemper of bribery is in the Indian government. We are to state what the laws and rules are which have been opposed to prevent it, and the utter insufficiency of all that have been proposed; to state the grievance, the instructions of the Company and Government, the Acts of Parliament, the constructions upon the Acts of Parliament. We are to state to your Lordships the particular situation

21 Apr. 1789. of Mr. Hastings. We are to state the trust the Company had in him for the prevention of all those evils. And then we are to prove that every evil which the law intended to prevent, which there were covenants to restrain, with encouragements to smooth and make easy the path of duty, Mr. Hastings was invested with a special, direct and immediate, trust to prevent all those grievances. We are to prove to your Lordships that he is the man who, in his own person, has collectively done more mischief than all those persons whose evil practices have produced all those laws, those regulations, and even his own appointment.

Bribery an ancient distemper in the Company's affairs.

The first thing that we shall do is to state—and which we shall prove in evidence—that this vice of bribery was the antient, radical, endemical and ruinous, distemper of the Company's affairs in India, from the time of their establishment there. Very often there are no words and no description that can adequately convey the state of the thing like the very direct evidence itself, because everything else might be suspected of exaggeration. You might think what was fact, and the direct evidence of fact, to be nothing but the colouring of the person that explained it. And therefore, I think, that it will be much better to give to your Lordships here a direct state of the Presidency at the time when the Company enacted their covenants, which Mr. Hastings took, and when they took such measures to prevent those very evils, from those very persons, and in those very circumstances in which we charge Mr. Hastings with having committed the offences we now bring before you.

I wish your Lordships to know that this is a consultation that we are going to read of Lord Clive, who was sent out for the express purpose of reforming the state of the Company, to show the magnitude of the pecuniary corruptions that prevailed in it.

Minute of Lord Clive.

[" It is from a due sense of the regard we owe and profess to your interests and to our own honour that we think it indispensably necessary to lay open to your view a series of transactions too notoriously known to be suppressed, and too affecting to your interests, to the national character, and to the existence of the company in Bengal, to escape unnoticed and uncensured. Transactions which seem to demonstrate that every spring of this government was smeared with corruption, that principles of rapacity and oppression universally prevailed, and that every spark of sentiment and public spirit was lost and extinguished in the unbounded lust of unmerited wealth. To illustrate these positions, we must exhibit to your view a most unpleasing variety of complaints, inquiries, accusations, and vindications, the particulars of which are entered in our proceedings and the appendix; assuring you that we

undertake this task with peculiar reluctance, from the personal regard we entertain for some of the gentlemen whose characters will appear to be deeply affected. At Fort St. George we received the first advices of the demise of Meer Jaffier, and of Shuja Dowlah's defeat. It was there firmly imagined that no definite measures would be taken either in respect to a peace, or filling the vacancy in the Nizamut before our arrival, as the Lapwing arrived in the month of January with your general letter, and the appointment of a committee, with express powers to that purpose, for the successful exertion of which the happiest occasion now offered; however, a contrary resolution prevailed in the Council. The opportunity of acquiring immense fortunes was too inviting to be neglected, and the temptation too powerful to be resisted. A treaty was hastily drawn up by the Board, or rather transcribed, with few unimportant additions from that concluded with Meer Jaffier, and a deputation consisting of Messrs. Johnstone, senior, Middleton and Leycester, appointed to raise the natural son of the deceased Nabob to the subahdarry, in prejudice of the claim of the grandson; and for this measure such reasons sre assigned as ought to have dictated a diametrically opposite resolution. Meeran's son was a minor, which circumstance alone would have naturally brought the whole administration into our hands at a juncture when it became indispensably necessary we should realize that shadow of power and influence which, having no solid foundation, was exposed to the danger of being annihilated by the first stroke of adverse fortune. But this inconsistence was not regarded, nor was it material to the views for precipitating the treaty which was pressed on the young Nabob at the first interview in so earnest and indelicate a manner as highly disgusted him, and chagrined his ministers, while not a single rupee was stipulated for the Company, whose interests were sacrificed that their servants might revel in the spoils of a treasury before impoverished but now totally exhausted. This scene of corruption was first disclosed at a visit the Nabob paid to Lord Clive and the gentlemen of the committee a few days after our arrival. He there delivered to his Lordship a letter filled with bitter complaints of the insults and indignities he had been exposed to, and the embezzlement of near twenty lacs of rupees issued from his treasury for purposes unknown during the late negotiations. So public a complaint could not be disregarded, and it soon produced an inquiry. We referred the letter to the Board, in expectation of obtaining a satisfactory account of the application of this money, and were answered only by a warm remonstrance entered by Mr. Leycester against that very Nabob in whose elevation he boasts of having been a principal agent. Mahomet Reza Cawn, the Naib Subahdar, was then called upon to account for this large disbursement from the treasury, and he soon delivered to the committee the veryextraordinary narrative entered in our proceedings of the 6th of June, wherein he specifies the several names and sums, by whom paid and to whom, whether in cash, bills or obligations. So precise, so accurate, an account as this of money for secret and venal services was never, we believe, before this period exhibited to the honourable Court of Directors, at least, never vouched by such undeniable testimony and authentic documents, as by Juggut Seet, who himself was obliged to contribute largely to the sums demanded; by Moolyram, who was employed by Mr. Johnstone in all those pecuniary transactions; by the Nabob and Mahomet Reza Cawn, who were the heaviest sufferers; and, lastly, by the confession of the gentlemen themselves, whose names are specified in the distribution list. Juggut Seet expressly declared in his narrative that the sum which he

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Minute of Lord Clive—*cont.*

21 Apr. 1789. Minute of Lord Clive—*cont.*

agreed to pay the deputation, amounting to 125,000 rupees, was extorted by menaces, and since the close of our inquiry, and the opinions we delivered in the proceedings of the 21st June, it fully appears that the presents from the Nabob and Mahomed Reza Cawn, exceeding the immense sum of 17 lacs, were not the voluntary offerings of gratitude, but contributions levied on the weakness of the government, and violently exacted from the dependant state and timid disposition of the minister. The charge, indeed, is denied on the one hand as well as affirmed on the other. Your honourable Board must therefore determine how far the circumstance of extortion may aggravate the crime of disobedience to your positive orders, the exposing the government, in a manner, to sale, and receiving the infamous wages of corruption from opposite parties and contending interests. We speak with boldness because we speak from conviction founded upon indubitable facts, that besides the above sums specified in the distribution account to the amount of 228,125 pounds sterling, there was, likewise, to the value of several lacs of rupees procured from Nundcomar and Roydullub, each of whom aspired at and obtained a promise of that very employment it was predetermined to bestow upon Mahomed Reza Cawn."] *

This paper cannot be disputed to be a paper of weight and authenticity, because it is signed by a gentleman now in this House, who sits on one side of the gentleman now at your Bar, as his bail.† This grievance, therefore, so authenticated, so great, and described in so many circumstances, I think it will be sufficient for me in this part of the business to show, was, when Mr. Hastings was sent to India, a prevalent evil.

Means taken by the Company to remove the abuse.

My Lords, it is necessary that I should show to you something more, because, *prima fronte,* this is some exculpation of Mr. Hastings; for if he was only a partaker in a general misconduct,—if it was rather *vitium loci et vitium temporis* than *vitium hominis,*—there might be something said in his exculpation. But I am next to show your Lordships the means they took for removing this grievance, and then to show that Mr. Hastings' peculiar trust,—the great specific ground of his appointment—was a confidence that he would eradicate this very evil, of which we are going to prove that he has been one of the principal promoters. And I wish your Lordships to advert to the particular circumstances of two persons who were bidders at this time, and at this auction of government, for the continuance of the favours of the Presidency at Calcutta, namely, Mohammed Reza Khan and Raja Nundcomar. I wish your Lordships to recollect this by and by, when we shall bring before you the very

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* Supplied from the "Minutes of the Evidence," p. 954.

† Mr. Hastings' sureties were Mr. Sulivan and Mr. Sumner. The latter gentleman signed the Minute quoted above, in his capacity of Member of the Council of Bengal.

same two persons, in a great measure in the very same transaction, in circumstances exactly similar, or very nearly so, in the case of Mr. Hastings. 21 Apr. 1789.

Covenant prohibiting taking presents.

My Lords, our next step in proof to your Lordships will be to show you that the Company, in 1768, had made a covenant expressly forbidding the taking of presents of above 400*l.* value in each present to the Governor General. I take it for granted that will not be much litigated. They renewed and enforced that, with other covenants and other instructions; and, at last, came an Act of Parliament, in the clearest—the most definite—the most specific words that all the wisdom of the Legislature, intent upon the eradication of this evil, could use, to prevent the receiving of presents.

Act of Parliament against presents.

Plea in behalf of presents from the custom of the East.

My Lords, I think it is necessary to state that there has been some little difficulty concerning this word *presents.* Bribery and extortion have been covered by the name of presents, and the authority and practice of the East has been adduced as a palliation of the crime. My Lords, no authority of the East will be a palliation of the breach of laws enacted in the West; and to those laws of the West, and not the vicious customs of the East, we insist upon making Mr. Hastings liable. But do not your Lordships see that this is a perfect mistake—that there never was any custom of the East for it? I do not mean the vicious practices and customs which it is the business of good laws and good customs to eradicate.

Three species of presents.

There are three species of presents known in the East; two species of the payments of money known to be legal, and the other is perfectly illegal and has a name exactly expressing it, in the manner ours has. It is necessary that your Lordships should see that Mr. Hastings has made use of a perversion of the names of authorised gifts to cover the most abominable and prostituted bribery. The first of these presents is known in the country by the name of peshcush. This peshcush is a fine paid upon the grant of lands to the sovereign, or whoever grants them. The second is the nazr or nazra-na, which is a tribute of acknowledgment from an inferior to a superior. The last is called rishwat in the Persian language; that is to say, a bribe—a sum of money clandestinely and corruptly taken—and is as much distinguished from the other as, in the English language, a fine or acknowledgment is distinguished from a bribe.

Peshcush.

Nazr.

Rishwat.

To show your Lordships this, we shall give in evidence that, whenever that peshcush or fine is paid, it is a sum of

21 APR. 1789. money publicly paid, and paid in proportion to the grant. The sum is entered upon the very grant itself. We shall prove the nazr is in the same manner entered, and that all legal fees are indorsed upon the body of the grant for which they are taken; and that they are, no more in the East than in the West, any kind of colour or pretence for corrupt acts, which are known by the circumstance of their being clandestinely taken, acknowledged and confessed to be illegal and corrupt.

Having stated that Mr. Hastings, in some of the evidence that we shall produce, endeavours to confound these three things, I am only to remark that, the first being the peshcush and the second the nazr, this nazr is generally a very small sum of money; that it sometimes amounts to one gold muhar; that sometimes it is less, and that in all the records of the Company I have never known it to exceed one gold muhar, or about thirty-five shillings—passing by the fifty gold muhars which were given to Mr. Hastings by Cheyt Sing, and a hundred gold muhars which were given to the Mogul as a nazr by Mohammed Ali, Nawab of Arcot. They are small sums as acknowledgments of homage and superiority, and the other fines are paid for grants. They are both known proceedings of the last degree of publicity; and, if given as consideration for a grant, they are indorsed upon the very body of the grant.

Nature of the nazr.

The Company, seeing that this nazr, though small in each sum, might amount at last to a large tax upon the country—and it did so in fact—thought proper to prohibit any sum of money to be taken, upon any pretext whatever. And the Company, in the year 1775, did expressly explode the whole doctrine of peshcush and nazr, and every other private lucrative emolument, under whatever name, to be taken by the Governor General; and did expressly send out an order that that was the construction of the Act, and that he was not even to take a nazr. Thus we shall show that that Act had totally cut up the whole system of bribery and corruption, and that Mr. Hastings had no sort of colour whatever for taking the money which we shall prove he has taken. I know that positive prohibitions—that Acts of Parliament—that covenants—are things of very little validity indeed, as long as all the means of corruption are left in power, and all the temptations to corrupt profit are left in poverty. I should really think that the Company deserve to be ill served, if they had not given such appointments to

Prohibition by the Company of acceptance of presents of all kinds.

Necessity of large appointments

great trusts as might secure those trusts from the temptation of unlawful emolument, by the great security that is provided in all cases—to give a lawful gratification to the natural passions of men. Matrimony is to be used as a true remedy against luxury and a vicious course of profligate manners. Fair and lawful emoluments and just profits of office are opposed to the unlawful means which may be made use of to supply them. For, in truth, I am ready to agree that, for any man to expect a series of sacrifices without a return in blessing—to expect labours without a prospect of reward, and fatigues without any means of securing rest—is an unreasonable demand in any human creature from another. Those who trust that they shall find in men uncommon and heroic virtues are themselves the very persons who are endeavouring to find nothing that shall be paid to them, but the common returns of the worst parts of human infirmity. And, therefore, I shall show your Lordships that the Company did provide a large, ample, abundant means for supporting the Governor General; that Lord Clive did, in the year 1765, and the Council with him, of which Mr. Sumner, I am glad and proud to say, was one, fix such an allowance as they thought a sufficient security to the Governor General against the temptations attendant upon his situation. And, therefore, after they had fixed this sum, they say that,—

21 Apr. 1789. — for high trusts.

Ample provision made for the Governor General.

"Although by these means the Governor will not be able to amass a million or half a million in the space of two or three years, yet he will acquire a very handsome independency, and be in that very situation which a man of honour and true zeal for the service would wish to possess. Thus situated, he may defy all opposition in Council; he will have nothing to ask, nothing to propose, but what he wishes for the advantage of his employers. [He may defy the law, because there can be no foundation for a bill of discovery; and he may defy the obloquy of the world, because there can be nothing censurable in his conduct. In short, if stability can be insured to such a government as this, where riches have been acquired in abundance in a small space of time, by all ways and means, and by men with or without capacities, it must be effected by a Governor thus restricted."] *

—that is, a Governor restricted from every emolument but that of his salary. I must remark that this salary and these emoluments were not settled upon the vague speculations of men taking the measure of their necessities for India from the manners of England, but it was fixed by the Council themselves —fixed in India—fixed by those who knew and were in the

The allowance fixed by the Council.

* Printed in the "Minutes of the Evidence," &c., p. 957.

21 Apr. 1789. situation of the Governor General, and who knew what was necessary to support his dignity and to preserve him from the temptation of corruption. And they have laid open to you such a body of advantages arising from it as would lead any man, who had any regard to his honour or conscience, to think himself happy in having such a provision made for him, and at the same time every temptation to act otherwise removed far from him.

Amount of emoluments of the office. The emoluments of the office may be computed at near 30,000*l.* a year, when Mr. Hastings was President—22,000*l.* in certain money, and the rest in considerable advantages afterwards. They at that time, though reduced from the original plan which Lord Clive had proposed, were still so great that I cannot compute them at a great deal less than 30,000*l.* a year. Whatever it was, I have shown that it was thought sufficient by those who were the best judges, and who, in carving for others, were carving themselves their own allowance at the time. But, my Lords, I am to give a better opinion of the sufficiency of that provision to guard against the temptation, out of Mr. Hastings' own mouth. He says, in his letter to the Court of Directors,—

Minute of Mr. Hastings respecting the sufficiency of the allowance. "Although I disclaim the consideration of my own interest in these speculations [and flatter myself that I proceed upon more liberal grounds, yet I am proud to avow the feelings of an honest ambition that stimulates me to aspire at the possession of my present station for years to come. Those who know my natural turn of mind will not ascribe this to sordid views. A very few years' possession of the government would undoubtedly enable me to retire with a fortune amply fitted to the measure of my desires, were I to consult only my ease: but in my present situation I feel my mind expand to something greater;] I have catched the desire of applause in public life."*

Here Mr. Hastings confesses that the emoluments affixed to his office were not only sufficient for the purposes and ends of [an office of that] nature, and the [support] of present dignity, but that they were sufficient to secure him in a very few years a comfortable retreat. But his object in wishing to hold his office long was to "catch applause in public life." What an unfortunate man is he who has so often told us, in so many places and through so many mouths, that, after fourteen years' possession of an office which was to make to him a comfortable

Failure of Mr. Hastings' hopes of establishing his fortune.

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* Extract from letter of Mr. Hastings to the Court of Directors, dated 11th November 1773. This letter was not allowed by the Court to be produced in evidence by the Managers, as they were not in possession of the original. It is, however, printed at length in the Fifth Report from the Committee of Secresy, Appendix, No. 5.

fortune in a few years, he is at length bankrupt in fortune; and, for his applause in public life, is now at your Lordships' bar, and his accuser is his country! This, my Lords, is to be unfortunate: but there are some misfortunes that never do or never can arrive but through crimes. He was a deserter from the path of honour. At the turning of the two ways, he made a glorious choice. He caught at the applause of ambition, which as I am ready to consent is not virtue, yet surely a generous ambition for applause for public services in life is one of the best counterfeits of virtue, and supplies its place in some degree, and adds a lustre to real virtue where it exists as a *substratum*. Human nature, while it is made as it is, never can wholly repudiate it for its imperfection, because there is something yet more perfect. But what shall we say to the deserter of that cause, who, having glory and honour before him, has chosen to plunge himself and go the downward road to sordid riches?

21 Apr. 1789.

His departure from the path of honour.

My Lords, I have shown the grievances that existed. I have shown the means that existed to put Mr. Hastings beyond a temptation to those practices of which we accuse him:—if he will not follow his example in the House of Commons and disavow this, as he has done his Defence before them, and say he never wrote it. That situation which was to afford him a comfortable fortune in a few years he has held for many years, and, therefore, he has not one excuse to make for himself. But I shall show your Lordships much greater and stronger proofs, that will lean heavy upon him in the day of your sentence. The first, the peculiar, trust that was put in him was, to redress all those grievances.

Growth of corruption in the service.

My Lords, I have stated to you the condition of India in 1765. You may suppose that the means that were taken—the regulations that were made by the Company—at that period of time, had operated their effect, and that, by the beginning of the year 1772, when Mr. Hastings came first to his government, at that time these evils did not require perhaps so rigorous an example or so much diligence in putting an end to them. But, my Lords, I have to show you a very melancholy truth—that, notwithstanding all these means, the Company was of opinion that all these disorders had increased; and, accordingly, they say, without entering into all the grievous circumstances of this letter, which was written on the 7th April, 1773,—

Special instructions given to Mr. Hastings to correct abuses.

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"We wish we could refute the observation—that almost every attempt made by us and our administration at your Presidency for reforming abuses has rather increased them, and added to the miseries of a country we are anxious to protect and cherish."

They say that—

"When oppression pervades the whole country, when youths have been suffered with impunity to exercise sovereign jurisdiction over the natives, [and to acquire rapid fortunes by monopolizing of commerce, it cannot be a wonder to us or yourselves that Dadney merchants do not come forward to contract with the Company, that the manufactures find their way through foreign channels, or that our investments are at once enormously dear and of a debased quality. It is evident, then, that the evils which have been so destructive to us lie too deep for any partial plans to reach or correct; it is, therefore, our resolution to aim at the root of those evils, and we are happy in having reason to believe that in every just and necessary regulation we shall meet with the approbation and support of the legislature, who consider the public as materially interested in the Company's prosperity."]*

This is to show your Lordships that Mr. Hastings was armed with great powers to correct great abuses, and that there was reposed in him a special trust for that purpose. And now I shall show, by the 25th paragraph of the same letter, that it was from some particular hope they had in Mr. Hastings that they intrusted him with this very great power, not only of abstaining himself, which is a thing taken for granted, but of restraining abuses through every part of the service. And therefore they say that,—

"In order to effectuate this great end, the first step must be to restore perfect obedience [and due subordination to your administration. Our Governor and Council must reassume and exercise their delegated powers upon every just occasion, punish delinquents, cherish the meritorious, discountenance that luxury and dissipation which to the reproach of Government prevailed in Bengal. Our President, Mr. Hastings, we trust, will set the example of temperance, economy and application, and upon this we are sensible much will depend. And here we take occasion to indulge the pleasure we have in acknowledging Mr. Hastings' services upon the coast of Coromandel, in constructing with equal labour and ability the plan which has so much improved our investments there; and, as we are persuaded he will persevere in the same laudable pursuit through every branch of our affairs in Bengal, he in return may depend] on the steady support and favour of his employers."

Trust reposed in him by the Company.

Here are, not only laws to restrain abuse—here are, not only salaries to prevent the temptation to it,—but here are praises to animate and encourage. Here is what very few men, even bad in other respects, have resisted. Here is a great trust put in him, to call upon him with particular vigour and exertion to prevent all abuses through

* Printed in the "Minutes of the Evidence," &c., p. 966.

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the settlement, and particularly these abuses of corruption. Much trust is put in his frugality—his order—his management of his private affairs; and from them they hope that he would not ruin his own fortune but improve it by honourable means, and teach the Company's servants the same order and management, in order to free them from temptation to rapacity in their own particular situations.

There have been known to be men, otherwise corrupt and vicious, who, when great trust was put in them, have called forth principles of honour latent in their minds; and men who were nursed in a manner in corruption have been, not only great reformers by institution, but greater reformers by the example of their own conduct. Here then is Mr. Hastings. Great trust is reposed in him. Then I am to show that, soon after his coming to that government, there were means given him instantly of realising those hopes and expectations, by putting into his hands several arduous and several difficult commissions.

Disorders in the country in the year 1772.

My Lords, in the year 1772, the Company had received alarming advices of many disorders throughout the country. There were likewise, at the same time, circumstances in the state of the government upon which they thought it necessary to make new regulations. The famine at Bengal had produced a great many complaints—some true, some exaggerated, but universally spread, as I believe is in the memory of those who are not very young among us—of the famine that prevailed and wasted Bengal, and of the ill use that was made of that circumstance to aggravate the distress for the advantage of individuals. This obliged the Company to a very serious consideration of an affair which dishonoured and disgraced their government, not only at home but through all the countries in Europe, much more than perhaps even more grievous and real oppressions that were exercised under them. It had been marked, and had alarmed their feelings and called the attention of the public upon them in an eminent manner. Your Lordships remember the death of Jaffier Ali Khan, the first of those subahdars who introduced the English power into Bengal. He died about four or five years before this period. He was succeeded by two of his sons, who succeeded to one another in a very rapid succession. The first was the person whom we have read an account to you of. He was the natural son of the Nawab by a person called Munny Begum, who, for those corrupt gifts, the circumstances of which we have

Minority of the Nawab of Bengal.

21 Apr. 1789. recited, had, in prejudice of the lawful issue of the Nawab, been raised to the musnud. But, as "bastard slips," it is said in King Richard (an abuse of a Scripture phrase), "do not take deep root*," this bastard slip, Nujem-ud-Dowla, shortly died, and the legitimate son Seyf-ud-Dowla succeeded him. After him, another legitimate son, Mobaric-ud-Dowla, succeeded, in a minority. When I say succeeded, I wish your Lordships to understand that there is no regular succession in the office of subahdar or viceroy of the kingdom; but, in general, succession has been considered, and that person has been put in that place upon some principles resembling a regular succession. That regular succession had been broken in favour of a natural son, and the mother of that natural son did obtain the superiority in the female part of the family for a time.

Deposition and arrest by the Company of Mohammed Reza Khan, Deputy Steward of Bengal.

In consequence of these two circumstances—namely, the famine and the abuses that were supposed to arise from it, and the minority of Mobaric-ud-Dowla, who now reigns, or appears to reign—in consequence of these two circumstances, the Company gave two sets of orders. The first was, that, as Mohammed Reza Khan, who was —as your Lordships remember, I took in the beginning of this affair means of explaining—Lord Deputy of the province under the native government; the English holding the diwanni, he was Deputy Diwan, or High Steward, under the name of the English, and had the command of the whole revenue; as he was accused before the Company—the channel of which accusation we now learn—that he had aggravated that famine by a monopoly for his own benefit, the Company, upon these loose and general charges, ordered that he should be divested of his office; that he should be brought down to Calcutta, and, there, be obliged to render an account of his conduct.

Offices held by Mohammed Reza Khan.

The next regulation they made was concerning the effective government of the country, which was become vacant by the removal of Mohammed Reza Khan. The offices which he held were in effect these. He was guardian to the Nawab, by the appointment of the Company; he had the care and management of his family; he had the care of the public justice; and he represented that shadow of government to foreign nations which it was the policy of

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* Wisdom, iv. 3:—The text chosen by Dr. Shaw, in preaching to the citizens of London, in Richard's favour.

the Company at that time to keep up. This was the person whom Mr. Hastings removed. In consequence of which removal all these offices were to be supplied—of guardian of the Nawab's person and manager of his family; of chief magistrate, and representative of the fallen dignity of the native government to the foreign nations which traded to Bengal.

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Order by the Company for reduction of the Nawab's allowance.

There were to these added an instruction of a very remarkable nature, which was a third trust that was given to Mr. Hastings—that, during the Nawab's minority, he should reduce the allowance, which was thirty-two lacs, to sixteen; and that, to prevent the abuse of this restricted sum, and to prevent it being directed by the minister's authority to other purposes than that for which the Company allowed it—as his own—of these sixteen lacs an account was to be regularly kept, as a check upon the person so appointed, and was to be transmitted to Calcutta and sent to England.

Congruity of the evidence to be produced with the known character of Mr. Hastings.

Now we are to show your Lordships what Mr. Hastings' conduct was upon all these occasions. And, for this, we mean to produce you testimony recorded in the Company's books, and authentic documents taken from the public offices of that country. At the same time, I do admit that there never was a positive testimony that did not stand something in need of the support of presumption. For, as we know that witnesses may be perjured, and as we know that documents can be forged, we have recourse to a known principle in the laws of all countries—that circumstances cannot lie; and, therefore, if the testimony that is given was ever so clear and positive, yet, if it is contrary to the circumstances of the country—if it is contrary to the circumstances of the facts to which it alludes—if the deposition is totally adverse and alien to the characters of the persons—then I will say that, though the testimonies should be many, though they should be consistent, and though they should be clear, yet they will still leave some degree of hesitation and doubt upon every mind timorous in the execution of justice, as every mind ought to be. If, for instance, ten witnesses were to swear that the Chief Justice of England—that the Lord High Chancellor, or the Archbishop of Canterbury—was seen in the robes of his function at noonday robbing upon the highway, it is not the clearness—the weight—the authority—of testimonies that could make me believe it. I should attribute it to any cause—either corruption, mistake, error or madness—rather than believe

21 Apr. 1789. that fact. Why? Because it is totally alien to the character of the person, the situation, the circumstances, and to all the rules of probability. But if, on the contrary, the crime charged has a perfect relation with the person, his known conduct, his known habits, with the situation and circumstances of the place that he is in, and with the very corrupt inherent nature of the act that he does, then much less proof than—thank God!—we are able to produce, will serve; and, according to the nature and strength of the presumptions arising from the inherent nature of a vicious principle and vicious motives in the act, they may either strengthen the weakest evidence, or, if it comes to a sufficient height, turn the whole burthen of proof upon the party accused. So we shall think ourselves bound to show your Lordships, in every step of this proceeding, that there is an inherent presumption of corruption in every act. We shall show the presumptions which preceded—we shall show the presumptions which accompanied—the proof, and that subsequent presumptions all through make it impossible to disbelieve it. I shall show that such a body of proof was never given upon any such occasion; and it is such proof as will prevail against the whole voice of corruption—that amazing, active, diligent, spreading voice, which has been made, by buzzing in every part of this country, sometimes to sound like the public voice. It will put it to silence, by showing that your Lordships have proceeded upon the strongest evidence, active and passive.

Fulness of proof of the crimes alleged.

First, Mr. Hastings received a positive order to seize upon Mohammed Reza Khan. That order he executed with a military promptitude of obedience, which will show your Lordships what services he is put upon that are congenial to his own mind, and which find in him always a ready acquiescence, a faithful agent, and a spirited instrument in their execution. The very day after he received the order, he sent up privately, without communicating with his Council, from whom he was not ordered to keep this proceeding a secret—he sent up and found that great and respectable man and respectable magistrate, who was in all those high offices which I have stated—and, if I was to compare them to circumstances and situations in this country, I should say he had united in himself the character of First Lord of the Treasury, the character of Chief Justice, the character of Lord High Chancellor, and the character of Archbishop of Canterbury—who was a man of great gravity, dignity and authority, and advanced in years. He had once

Alacrity of Mr. Hastings in executing the order for the arrest of Mohammed Reza Khan.

21 Apr. 1789.

100,000*l.* a year for the support of his dignity, and had at that time 50,000*l.* This man, sitting in his garden, reposing himself after the toils of his situation—for he was one of the most laborious men in the world—was suddenly arrested, and, without a moment's respite, dragged down to Calcutta, and there by Mr. Hastings—exceeding the orders of the Company—confined near two years under a guard of soldiers. He kept this great man for several months without even attempting a trial upon him. How he tried him afterwards, and whether you will not judge from the circumstances of that trial that, as he was not tried for his crime, so neither was he acquitted for his innocence, your Lordships may probably in the course of this business inquire; but, at present, I leave him in that situation. Mr. Hastings, unknown to his Council, having exceeded the orders of the Company in the last degree of rigour to this unhappy man, keeps him in that situation without a trial, under a guard, separated from his country, disgraced and dishonoured, and by Mr. Hastings' express order not suffered either to make a visit or receive a visitor.

Detention of Mohammed Reza Khan without trial.

There was another commission for Mr. Hastings contained in these orders. The Company, because they were of opinion that justice could not be easily obtained while the first situations of the country were filled with this man's adherents, desired Mr. Hastings to displace them; but they left him a large power, confiding in his justice, prudence and impartiality, by no means to abuse a trust of such delicacy. But we shall prove to your Lordships that Mr. Hastings thought it necessary to turn out, from the highest to the lowest, several hundreds of people, for no other reason than that they had been put in their employments by that very man whom the English Government had placed there.

Displacement of his adherents.

We might insist that we could not possibly try Mr. Hastings or come at his wickedness, until we had eradicated his influence in Bengal and left not one man in it who was in any place or office whatever; we are ready to admit we could not do the whole without it; but, at the same time, rather than make a general massacre of every person presumed to be guilty, we should rather leave some of his crimes unproved. He did avow and declare that, unless he turned all these persons out of their offices, he could never hope to come at the truth of any charges against Mohammed Reza Khan, against whom no specific charge

21 Apr. 1789. had been made. Yet, upon these loose and general charges did he seize upon this man, confine him in this manner, and every person who derived any place or authority from him, high or low, was turned out, because otherwise he could not inquire into his conduct!

Mr. Hastings had in the Company's orders something to justify him in rigour, but he had likewise a prudential power over that rigour; and he not only treated this man in the manner described, but every human creature, as if they had been all guilty, without any charge whatever against them. These are his reasons for taking this extraordinary step,—

Reasons assigned by Mr. Hastings for removing them.

["I pretend not to enter into the views of others. My own were these. Mahomet Reza Khan's influence still prevailed generally throughout the country. In the Nabob's household and at the capital it was scarce affected by his present disgrace. His favour was still courted and his anger dreaded. Who under such discouragements would give information or evidence against him? His agents and creatures filled every office of the nizamut and dewannee. How was the truth of his conduct to be investigated by these? It would be superfluous to add other arguments to show the necessity of prefacing the inquiry by breaking his influence, removing his dependants, and putting the direction of all the affairs which had been committed to his care into the hands of the most powerful or active of his enemies."]*

Good God! my Lords, if we were to desire, in the House of Commons, and to compel the East India Company, or to address the Crown, to remove, according to their several situations and several capacities, every creature that had been put into office by Mr. Hastings, or that we could make no inquiry into his conduct, should we not be justified by his own example [in assertion] of the absolute necessity of removing every creature of the reigning power before we could inquire into his conduct? We have not done that, though we feel, as he has felt, great disadvantages in proceeding in the inquiry, while every situation in Bengal is notoriously held by his creatures; always excepting the first of all, but which we could show is nothing in such a condition.

Motives of Mr. Hastings in his treatment of Mohammed Reza Khan.

Then what do I infer from this, that, in obedience to the orders of the Company, carried so much beyond the necessity—the orders prosecuted with so much rigour, and the inquiry suspended for so long a time—every person in office was removed from his situation? When all these circumstances

* Extract from letter of the Governor General to the Directors, 1st September, 1772. Printed in the Appendix to the "Minutes of the Evidence," p. 2103.

were used as prefatory to the inquiry, let us judge of what nature and circumstances that inquiry was; when he himself says that, after he had used all these means, he found not the least benefit and advantage from them. The use I make of this is, to let your Lordships see the great probability that Mr. Hastings, finding himself in the very self-same situation of selling Nundcomar to Mohammed Reza Khan and Mohammed Reza Khan to Nundcomar, made a corrupt use of it, and that, as Mohammed Reza Khan was not treated with severity for his crimes, so neither was he acquitted for his innocence. 21 Apr. 1789.

We are to show your Lordships what Mr. Hastings' own manner of proceeding with regard to a public delinquent is; but at present we leave Mohammed Reza Khan where he was. The Company had given him severe orders, and very severely had he executed them. The Company gave him no orders not to institute a present inquiry; but he, under pretence of business, neglected that inquiry, and suffered this man to languish in prison, to the utter ruin of his fortune.

Concealment of his proceedings from the Council.

Do your Lordships think that there was no presumption of Mr. Hastings having a corrupt view in this business, and putting this great man who was supposed wealthy under contributions? Mr. Hastings never trusted his colleagues with it. What reason did he give for that? Why he supposed that they must be bribed by Mohammed Reza Khan. "For," says he, "as I did not know their characters at that time, I did not know whether Mohammed Reza Khan had not secured them to his interest by the known ways in which great men in the East secure to their interest." He never trusted his colleagues with the secret; and the person that he employed to prosecute Mohammed Reza Khan was his bitter enemy, Nundcomar. I will not go the length of saying that the circumstance of enmity disables a person from being a prosecutor. Under some circumstances it renders a man incompetent from being a witness. But this I know that, having no other person to rely upon, in a charge of one man against another man, but his enemy, and having no other principle to go upon than what is supposed to be derived out of that enmity, forms some considerable suspicion against that proceeding. But in this he was justified by the Company, for Nundcomar, the great rival of Mohammed Reza Khan, was in the worst situation with the Company with regard to his credit.

His employment of Mohammed Reza Khan's enemy, Nundcomar, in the prosecution.

21 Apr. 1789.

Unfavourable opinion held by Mr. Hastings of Nundcomar's character.

This Nundcomar's politics in the country had been by Mr. Hastings himself, and by several persons joined with him, cruelly represented to the Company, and, accordingly, he stood so ill with them, by reason of Mr. Hastings' representations and those of his predecessors, that the Company ordered and directed Mr. Hastings, if he would be of any use in the discovery, to give him some reward suitable to his services; and they caution him at the same time against giving him any trust which he might employ to the disadvantage of the Company. Now Mr. Hastings began, before he could experience any service from him, by giving him his reward: and not the base reward of a base service —money, but every trust and power which he was prohibited from giving him. Having turned out every one of Mohammed Reza Khan's dependants, he filled every office, as he avows, with the creatures of Nundcomar. Now, when he uses a cruel and rigorous obedience in the case of Mohammed Reza Khan—when he breaks his principles with regard to Nundcomar—when he gives him trust whom he was cautioned not to trust, and when he gives him that reward before any service could be done—I say, when he does that, in violation of the Company's orders and his own principles, it is the strongest evidence that he found them in the situation in which they were in 1765, when bribes were taken; that each party was mutually sold to each other, and faith kept with neither. This was the situation which Mr. Hastings should have dreaded of all things; because he knew he was in that situation in which the most outrageous corruption had been dealt in before.

He advances all his adherents.

Then there is one circumstance which serves to show that, in the persecution of these great men and the persons employed by them, he could have no other view than to extort money from them. There was a person of the name of Shitab Roy, who had a great share in the conduct of the revenues. Mr. Hastings, in the letter to the Company complaining of the state of their affairs, saying that there were great and suspicious balances in the kingdom of Behar, does not even name the name of Shitab Roy. There was an English counsellor, a particular friend of Mr. Hastings, there, under whose control Shitab Roy acted. Without any charges, without any orders from the Company, he dragged down that same Shitab Roy, and in the same ignominious prison he kept him the same length of time, that is, one year and three months, without trial; and, when the trial

Arrest of Shitab Roy.

came, there was as much appearance of collusion in the trial as there was of rigour in the previous process. This is the manner in which he executed the command of the Company for removing Mohammed Reza Khan. 21 Apr. 1789.

Necessity for caution in filling up Mohammed Reza Khan's place.

When Mohammed Reza Khan was to be succeeded, your Lordships naturally expect from the character I have given of him, and from the nature of his functions, that Mr. Hastings should be particularly precise—should use the utmost possible care—in nominating a person to succeed him, who might fulfil the ends and objects of his employment, and be at the same time beyond all doubt and suspicion of corruption in any way whatever. Your Lordships have seen how he obeys the rigorous order about Mohammed Reza Khan. You see that, following, as he says, the spirit of that, and finding another man that he imagines might be in the same situation, without any charge he imprisons him. Now let us see how he fills up that office thus vacant. When the Company ordered Mohammed Reza Khan to be dispossessed of his office, they ordered at the same time that his salary should be reduced—that 30,000*l.* was a sufficient recompense for that office. Your Lordships will see, by the allowance for the office, even reduced as it was, that they expected some man of great eminence, of great consequence, and fit for those great and various trusts. They cut off the diwani from it—that is the collection of the revenues; and having lessened his labours they lessened his reward. They ordered that this person, who was to be guardian of the Nawab in his minority, and who was to represent the government, should have but 30,000*l.* The order they gave is this:

Importance of the office inferred from the largeness of the salary.

[" And that as Mahomet Reza Khan can no longer be considered by us as one to whom such a power can safely be committed, we trust to your local knowledge the selection of some person well qualified for the affairs of government, and of whose attachment to the Company you shall be well assured. Such person you will recommend to the Nabob to succeed Mahomet Reza as minister of the government and guardian of the Nabob's minority, and we persuade ourselves that the Nabob will pay such regard to your recommendation as to invest him with the necessary power and authority. As the advantages which the Company may receive from the appointment of such minister will depend on his readiness to promote our views and advance our interest, we are willing to allow him so liberal a gratification as may excite his zeal and ensure his attachment to the Company. We therefore empower you to grant to the person whom you shall think worthy of this trust an annual allowance not exceeding three lacks of rupees, which we consider not only a munificent reward for any services he shall render the Company, but sufficient to enable him to support his station with suitable rank and

21 Apr. 1789. dignity. And here we must add that, in the choice you shall make of a person to be the active minister of the Nabob's government, we hope and trust that you will show yourselves worthy of the confidence we have placed in you, by being actuated therein by no other motives than those of the public good and the safety and interest of the Company."*]

My Lords, here they have given a reward; and they have described a person fit to represent in all capacities the man whom they thought fit to depose. Now, as we have seen how Mr. Hastings obeyed the Company's orders in the manner of removing Mohammed Reza Khan, let us see how he obeyed their order for filling up his post. Your Lordships would have supposed he had made all the order of Mohammedan and Hindu princes pass in strict review before him; that he had considered their age, authority, dignity, the goodness of their manners; and, upon the collation of all these circumstances, had chosen a person fit to be a regent to guard the Nawab's minority from all rapacity whatever, and fit to instruct him in everything. I will give your Lordships Mr. Hastings' own idea of the person necessary to fill up such office:—

Mr. Hastings' view of the character required for the office.

"That his rank [is such as at least may not wound the Nabob's honor or lessen his credit in the estimation of the people by the magisterial command which the new guardian must exercise over him; with abilities and vigour of mind equal to the support of that authority; and the world will expect that the guardian be especially qualified by his own acquired endowments to discharge the duties of that relation in the education of his young pupil, to inspire him with sentiments suitable to the dignity of his birth, and to instruct him in the principles of his religion.]"†

His appointment of a woman to the office.

This, upon another occasion, is Mr. Hastings' sense of the man who ought to be placed in that situation of trust in which the Company ordered him to place him. Did Mr. Hastings obey that order? No, my Lords: he appointed no man to fill that office. What, no man at all? No: he appointed no person at all, in the sense which is mentioned there, which constantly describes a person at least of the male sex. He appointed a woman to fill that office. He appointed a woman, in a country where no woman can be seen—where no woman can be spoken to without the screen of a curtain. For all these various duties described by

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* Extract from letter of the Court of Directors to the President and Council of Bengal, 28th August, 1771. Printed in the "Minutes of the Evidence," p. 973.

† Extract of a consultation, 14th September, 1775. Printed in the "Minutes of the Evidence," p. 974.

himself, with all these qualifications, he appointed a woman. Do you want more proof than that violent transgression of the Company's orders upon that occasion, that some corrupt motive must have influenced him? 21 Apr. 1789.

History of Munny Begum.

My Lords, it is necessary for me to state the situation of the family, that you may judge from thence of the corrupt motives of his proceedings. The Nawab, Jaffier Ali Khan, had, among the women of his seraglio, a person called Munny Begum. She was a dancing girl whom he had seen upon some entertainment, and, as he was of a licentious turn, this dancing girl, in the course of her profession as a prostitute, so inveigled the Nawab that, having a child or something that passed for a child by him, he brought her into the seraglio, and the Company's servants sold to that son the succession to that father. This woman was sold as a slave; her profession a dancer; her occupation a prostitute. And, my Lords, this woman, having put her natural son, by corruption, as we state and shall prove, in the place of the legitimate offspring of the Nawab, having him placed by the Company's servants in the musnud, came to the head of the household—that part which relates to the women; which is a large and considerable trust in a country where polygamy is admitted, and where women of great rank may possibly be attended by two thousand of the same sex in an inferior situation. As soon as the legitimate son of the Nawab came to the musnud, there was no ground for keeping this woman any longer in that situation, and, upon an application of the Company to Mohammed Reza Khan to know who ought to have the right to the superiority, he answered, as he ought to have done, that, though all the women of the seraglio ought to have honour, yet that the mother of the Nawab ought to have it. Therefore this woman was removed, and the mother of the Nawab was placed in her situation. In that situation Mr. Hastings found the seraglio. If his duties had gone no further than the regulation of an Eastern household, he must have kept the Nawab's mother there by the rules of that country. What did he do? Not satisfied with giving to this prostitute every favour she could desire, —and money must be the natural object of such a person,— Mr. Hastings deposes the Nawab's own mother; turns her out of the employment, and puts at the head of the seraglio this prostitute, who, at the best of her relation to him, could only be a natural step-mother. If you heard of no more, do your Lordships want anything further to convince you that

She is placed at the head of the seraglio by Mr. Hastings.

2 Apr. 1789.

Character of Munny Begum.

this must be a violent, atrocious and corrupt, act—suppose it had gone no further than the seraglio? But, when I call this woman a dancing girl, I state something lower than Europeans have an idea of respecting that situation. She was born a slave, bred a dancing girl. Her profession of dancing was not any of those noble and majestic movements which make part of the entertainments of the most wise—of the education of the most virtuous; which improve the manners without corrupting the morals of all civilised people; and of which, among uncivilised people, the professors have their due share of admiration. But these dances were not decent to be seen, nor fit to be related. I shall pass them by. Your Lordships are to suppose the lowest degree of infamy in occupation and situation when I tell you that Munny Begum was a slave and a dancing girl.

The history of the Munny Begum is this:

["At a village called Balcunda, near Sekindra, there lived a widow, who from her great poverty not being able to bring up her daughter, Munny, gave her to a slave girl belonging to Summin Ally Cawn, whose name was Bissoo. During the space of five years she lived at Shahjehanabad, and was educated by Bissoo after the manner of a dancing girl. Afterwards, the Nabob Shamut Jung, upon the marriage of Ikram ul Dowlah, brother to the Nabob Surage ul Dowlah, sent for Bissoo Beg's set of dancing girls from Shahjehanabad, of which Munny Begum was one, and allowed them 10,000 rupees for their expences, to dance at the wedding. While the ceremony was celebrating they were kept by the Nabob; but some months afterwards he dismissed them, and they took up their residence in this city. Meer Mahomed Jaffier Cawn then took them into keeping, and allowed Munny and her set 500 rupees per month; till at length, finding that Munny was pregnant, he took her into his house. She gave birth to the Nabob Nijum ul Dowlah; and in this manner has she remained in the Nabob's family ever since."]

Mr. Hastings appoints her to Mohammed Reza Khan's office.

Now, it required a very peculiar selection to take such a woman, so circumstanced as whom there was not just such another—to depose the Nawab's own mother from the superiority of the household, and to substitute this woman. It would have been an abominable abuse and implied corruption in the grossest degree if he had stopped there. He not only did so, but he put her in the very place of Mohammed Reza Khan. He made her guardian; he made her regent; he made her viceroy; he made her the representative of the native government of the country in the eyes of strangers. There was not a trust—not a dignity—in the country

* Paper inclosed in a letter from Nunduroy to the Council, received 6th June, 1775. Printed in the "Appendix to the Minutes of the Evidence on the Sixth Charge," No. 98.

which he did not, in the minority of this unhappy person, her stepson, put into the hands of this woman. 21 Apr. 1789

Resist, if you please, the strong presumption of corruption in disobeying the orders of the Company, directing him to select a man fit to supply the place of Mohammed Reza Khan, to exercise all the great and arduous functions of government and of justice, as well as the regulation of the Nawab's household; and then I will venture to say that neither your Lordships nor any man living, when he hears of this appointment, does or can hesitate a moment in seeing that it is the result of corruption; and you only want to know what the corruption is. Here is such an arrangement as I believe never was heard of. A secluded woman in the place of a man of the world; a fantastic dancing girl in the place of a grave magistrate; a slave in the place of a woman of quality; a common prostitute made to superintend the education of a young prince; and a stepmother—a name of horror in all countries—made to supersede the natural mother, from whose body the Nawab had sprung. Inference of corruption.

These are circumstances that leave no doubt of the grossest and most flagrant corruption. But was there no application made to Mr. Hastings upon that occasion? Why, the Nawab's uncle, whom Mr. Hastings declares to be a man of no dangerous ambition—no alarming parts—no one quality that could possibly seclude him from that situation—makes an application to Mr. Hastings for that place, and was by Mr. Hastings rejected. The reason he gives for his rejection is, because he cannot put any man in it without danger to the Company, who ordered him to put a man into it. One would imagine that this trust he was going to place in him was such as enabled him to overturn the Company in a moment. The situation in which the Nawab's uncle Yeteram-ud-Dowla would have been placed, if he had been placed there, was this:—he had no troops; he had no treasury; he had no collections; he had no one circumstance under heaven to make him dangerous; but was an absolute pensioner and dependant upon the Company, though in high office; and the least attempt to disturb the Company, instead of increasing, would be subversive of his own power. Thus, if Mr. Hastings should still suggest that there was any danger from any man, we shall prove that he was of opinion that there was no danger from any one; that the Nawab was a mere shadow—a cypher; and was kept there only to His rejection of more suitable persons.

21 APR. 1789. soften the English government in the eyes and opinion of the natives.

My Lords, I will detail that circumstance no longer, but will bring some collateral circumstances, which will show that Mr. Hastings was at that very time conscious of the wicked and corrupt act he was doing. He was defying the orders of the Company; he was insulting the country, that had never seen a woman in that situation; but, besides this foolish principle of policy which he gives as a reason for it—because your government, says he, cannot be supported by private justice—that is a favourite maxim he holds upon all occasions—besides these reasons he gave of his politic injustice, he gives another reason:—the Company had ordered that 30,000*l.* should be given to such a person. He found that the Company could never dream of giving this woman 30,000*l.* a year. He makes use of that circumstance to justify him in putting her in that place; for he says the Company could never, in the distressed state of its affairs, mean to give 30,000*l.* a year for that office which they ordered to be filled; and, accordingly, upon principles of economy, as well as of principles of prudence, he sees there could be no occasion for giving this salary—that it will be saved to the Company. But, no sooner had he given her the appointment, than that appointment became a ground for giving her that money. The moment he had appointed her, he overturns the very principle upon which he had appointed her, and gives her the 30,000*l.*, and to the officers under her; saving not one shilling to the Company by this infamous measure, which he justified only upon the principle of economy. Accordingly that 30,000*l.* was given. The principle of economy vanished away. A shocking arrangement was made; and Bengal saw a dancing girl administering its justice, presiding over all its remaining power, wealth and influence, holding out that miserable state of degradation to the natives of the country, and that miserable dishonour to the English Company, by Mr. Hastings abandoning all his own pretences.

His plea of economy by reducing the allowance.

The allowance not reduced.

Then, my Lords, combine and compare these circumstances. First, that he is desired to name a man: he names a woman. Why? Because a man is not to be trusted. Very well! admit that pretence. Allow it to be policy and justice. Then, who was the fittest woman? The Nawab's mother. He chooses a prostitute—a dancing girl; and puts her in her

place. So that his pretence of there not being safety in a man does not agree with naming that woman. He rejects the woman that was to be named from every tie of blood and consideration of rank, whose every interest under Heaven was bound up with that of her son. He next overturned the pretended principle of economy upon which he appointed her. For, after pretending and holding out that 30,000*l.* would be saved, the 30,000*l.* is given. 21 Apr. 1789.

Order of the Directors that the guardian of the Nawab should keep an account.

But there is a still stronger presumption. The Company ordered that this person, who had the management of the Nawab's revenue, who was his guardian, should keep a strict account, which account should be annually transmitted to the Presidency, and from the Presidency to Europe. And the purpose of it was to keep a control upon the reduced expenses of the sixteen lacs, which were ordered in the manner I mentioned. Your Lordships will naturally imagine that that control was kept safe. No; here is the order of the Directors, and you will see how Mr. Hastings obeyed it:—

"As the disbursement of the sums allotted to the Nabob for the [maintenance of his household and family, and the support of his dignity, will pass through the hands of the minister who shall be selected by you, conformable to our preceding orders, we expect that you will require such minister to deliver annually to your Board a regular and exact account of the application of the several sums paid by the Company to the Nabob. This you will strictly examine, and we trust that you will not suffer any part of the Nabob's stipend to be appropriated to the minister's own use, or wasted among the unnecessary dependants of the court, but that the whole amount be applied to the purposes for which it was] assigned by us."*

The order not enforced by Mr. Hastings.

One would have imagined that, after Mr. Hastings had made so suspicious an arrangement—I will not call it more—he would have removed all suspicion with regard to money; that he would have obeyed the Company as to the control which they had ordered to be placed over a man—even a fit man and a man worthy of that trust. Why, what is his answer, when, three years after, he is desired to produce this account? His answer is:—

"I can save the Board the trouble of this reference, by acquainting them that no such accounts have ever been transmitted, nor, as I can affirm with more certain knowledge, any orders given for that purpose, [either to Goordass, to whose office it did not properly belong, or to the Begum, who had the actual charge and responsibility of those] disbursements."†

* Extract from letter of the Court of Directors, 28th August, 1771.—Printed in the "Minutes of the Evidence," p. 793.

† Extract of Consultation, 21st June, 1775.—Printed in the "Minutes of the Evidence," p. 983.

21 Apr. 1789.

Corrupt motives inferred.

He has given to this woman the charge of all the disbursements of the Company. The officer whom you would imagine would be responsible was not responsible; but to this prostitute and dancing girl the whole of the revenue was given. When he was ordered to transmit that account, he not only did not keep that account, but gave no order that it should be kept. By which means, no doubt can be left upon your Lordships' minds that the sixteen lacs, which were reserved for the support and dignity of the government of that country, were employed in order that Mr. Hastings should have a constant bank from which he should draw every corrupt emolument he should think fit, for himself and his associates. So your Lordships see that he had put an improper person there; that he removed the control; that the very accounts, which were to be the guardians of his purity and the removal of suspicion from him, he never so much as directed or ordered. If any one can doubt that that transaction was in itself corrupt, I can only say that he has a mind and constitution of character totally different from that which prevails in any of the higher or lower branches of judicature in any country in the world. The suppression of an account is a proof of corruption. That account was ordered, and it was Mr. Hastings' duty to see that it was kept.

Mr. Hastings, in doing acts of violence to Mohammed Reza Khan, in making any arrangements of the Company's affairs in which corruption had been before exercised, was bound by a particular responsibility that there should be nothing mysterious in his conduct—that all the accounts should at least be well kept. He appointed a person nominally for that situation, namely, the Raja Goordass. Who was he? A person acting, he says, under the influence of Raja Nundcomar, whom he had declared was not fit to be employed or trusted. All the offices were filled by him. But yet Raja Goordass, whose character is that of an excellent man, against whom there could be no reasonable objection on account of his personal character, but who wanted parts, to be supplied by Nundcomar, whose parts Mr. Hastings spoke as highly of as he could,—had he the management? No: but Munny Begum. Did she keep any accounts? No. Mr. Hastings was ordered—and a very disagreeable and harsh order it was—to take away one half of the Nawab's allowance, which he had by a treaty. I do not charge Mr. Hastings with that. He had nothing to

Order of the Directors for the reduction of the Nawab's allowance.

do with that. Sixteen lacs were cut off and sixteen left. These two sums have been distributed, one for the support of the seraglio and the [dignity] of the state, the other for the court establishment and the household. The sixteen lacs which were left, therefore, required to be well economised and well administered. There was a rigour in the Company's order relative to it; which was, that it should take place by an antedated time, and that for the whole course of a year. The order was that the Nawab's stipend should be reduced to sixteen lacs a year from the month of January. Mr. Hastings makes this reflection upon it, in order to leave no doubt upon your mind of his integrity in administering that great trust. He says,— 21 Apr. 1789.

Mr. Hastings' observations on the order.

"Your order for the reduction of the Nabob's stipend [was communicated to him in the month of December 1771. He remonstrated against it, and desired it might again be referred to the Company. The Board tacitly acquiesced in his remonstrance, and the subsequent payments of his stipend were made as before. I might easily have availed myself of this plea. I might have treated it as an act of the past government, with which I had no cause to interfere, and joined in asserting the impossibility of his defraying the vast expense of his court and household without it; which I could have proved by plausible arguments drawn from the actual amount of the Nizamut and Behla establishments, and both the Nabob and the Begum would have liberally purchased my forbearance. Instead of pursuing this plan I carried your orders rigidly and literally into execution. I reduced the Nabob's stipend from the date on which the first notification of it was made to him. I undertook myself the laborious and reproachful task of limiting his charges from an excess of his former stipend to the sum] of his reduced allowance."*

He says in another place,—

"The stoppage of the King's tribute was an act of mine, [and I have been often reproached with it. It was certainly in my power to have continued the payment of it; and to have made my terms with the King for any part of it, which I might have chosen to reserve for my own use. He would have thanked me] for the remainder."

My Lords, I believe it is a singular thing, and which your Lordships have been very little used to, to see a man in the situation of Mr. Hastings, or in any situation like it, so ready in knowing all the resources by which sinister emolument may be made, by which it may be concealed, and in which under pretences of public good, it may be transferred into the pocket of him who uses those pretences. He is resolved, if he is innocent, that his innocence shall not proceed from

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* Extract from letter of Mr. Hastings to the Directors, 25th March, 1775.—Printed in the "Minutes of the Evidence," p. 984, and in Appendix I. to the Eleventh Report of the Select Committee on Affairs of India, 1783.

21 Apr. 1789. ignorance. He well knows the ways of falsifying the Company's accounts; he well knows the necessities of the natives; and knows that, by paying a part of their dues, they will be ready to give an acquittance of the whole. These are marks of Mr. Hastings' knowledge which your Lordships will see he well knows how to avail himself of.

Payment of the full allowance continued by Mr. Hastings.

But you would expect that, when he reduced the allowance to sixteen lacs, and took credit to himself in this business, he had in that instance done what he professed; and, from his rigour and his cruelty arguing his strict and literal obedience to the Company, that he had done it. The very reverse: for it will be in proof that, after he had pretended to reduce the Company's allowance, from the day in which he said he had entirely executed it, he continued it a twelvemonth longer, and entered a false account of the suppression in the Company's accounts. And when he has taken a credit, as under pretence of reducing that allowance, he paid 90,000*l.* more than he ought. Can you have a doubt, of the man who committed all that fraud, made use of all this fabrication and suppression, that that 90,000*l.*, of which he kept no account and transmitted no account, was money given to himself for his own private use and advantage?

For his own advantage.

Reflections on the transaction.

This is all that I think necessary to state to your Lordships upon this monstrous part of the arrangement. And, therefore, from his rigorous obedience in cases of cruelty, and, where coercion was expected, from his total disobedience, and from the choice of persons, there arises a strong inference of corruption. From his suppression of the accounts that ought to have been produced, and falsifying the accounts that were kept, when your Lordships see it in proof, your Lordships will justify me in saying that there never was, taking every part of the arrangement, such a direct open violation of any trust. Because, wherever there are pecuniary trusts and pecuniary transactions, accounts ought to be kept accurately of all such transactions. When accounts are not kept—when orders for keeping them are disobeyed—when false accounts are substituted in the stead of them—there must be something evil to cover. I shall say no more with regard to the appointment of Munny Begum.

My Lords, here ended the first scene; and here ends that body of presumption, arising from the transaction and inherent in it, which I have brought for your Lordships' consideration.

Now, my Lords, the next part that I am to bring before you is, the positive proof that was given of a corrupt transaction, in a business in which I am sure you already see that corruption must exist. That charge was brought by a person in the highest trust and confidence with Mr. Hastings—a person employed in the management of the whole transaction—a person of most entire confidence in the subordinate management, under Munny Begum, of all the pecuniary transactions and all the arrangements made upon that occasion.

21 Apr. 1789.

Charges brought against Mr. Hastings by Nundcomar.

On the 11th day of March, 1775, Nundcomar gives to Mr. Francis, a member of the Council, a charge against Mr. Hastings, consisting of two parts. The first of these charges was a vast number of corrupt dealings, of which he was the informer, but not the witness, but to which he indicated the modes of inquiry. And they are corruptions, as Mr. Hastings himself states them, amounting to millions of rupees; and in transactions every one of which implies in it the strongest degree of corruption.

Nundcomar informer only, not a witness, of the first branch of the charge.

The next branch was of those to which he was not only an informer but a witness, in having been the person who himself transmitted the money to Mr. Hastings and the agents of Mr. Hastings. And, accordingly, upon this part, which is the only part which we charge, his evidence is clear and full, that he gave the money to Mr. Hastings—he and the Begum—for I put the whole body of these people together. Accordingly, he states that Mr. Hastings received for the appointment of Munny Begum to the Rajaship two lacs of rupees, or about 22,000*l.*; and that he received, in another gross sum, one lac and a half of rupees; in all making three lacs and a half, or about 36,000*l.* This [charge] was signed by the man and accompanied with the account.

A witness in the second branch.

Charge of taking a bribe of two lacs from Munny Begum.

Mr. Hastings on that day made no reflection or observation whatever upon this charge, except that he attempted to excite some suspicion of Mr. Francis, who had produced it, as knowing of the transaction and having been the principal mover in it. He asks Mr. Francis that day this question:—

Attempt by Mr. Hastings to throw discredit on Mr. Francis.

[" The Governor General observes, as Mr. Francis has been pleased to inform the Board that he was unacquainted with the contents of the letter sent in to the Board by Nundcomar, that he thinks himself justified in carrying his curiosity further than he should have permitted himself without such a previous intimation; and, therefore, begs leave to ask Mr. Francis whether he was before this acquainted with Nundcomar's intention of bringing such charges against him before the Board. Mr. Francis—'As a member of this Council, I do not deem myself obliged to

21 APR. 1789. answer any question of mere curiosity. I am willing, however, to inform the Governor General that, though I was totally unacquainted with the contents of the paper I have now delivered in to the Board till I heard it read, I did apprehend in general that it contained some charge against him. It was this apprehension that made made me so particularly cautious in the manner of receiving the Raja's letter. I was not acquainted with Raja Nundcomar's intention of bringing in such charges as are mentioned in the letter."]*

The duty of inquiry into the charge.

Now, what the duty of Mr. Hastings and the Council was, upon receiving such information, I shall beg leave to state to your Lordships from the Company's orders. But, before I mention them, I must observe that by the Act of Parliament, which was supposed to be made upon account of the neglect of the Company, as well as neglects of their servants—and for which general neglects responsibility was fixed upon the Company for the future, while for the present their authority was suspended, and a Parliamentary commission sent out to regulate their affairs—the Company, being ordered by Parliament to instruct their servants, upon that occasion did make a general code and body of instructions to be observed. The 35th paragraph says,—

"We direct that you immediately cause the strictest inquiry [to be made into all oppressions which may have been committed either against the natives or Europeans; and into all abuses that may have prevailed in the collection of the revenues, or any part of the civil government of the Presidency; and that you communicate to us all information which you may be able to learn relative thereto, or to any dissipation or embezzlement of the Company's money."]†

Your Lordships see here that there is a direct duty fixed upon them, to forward—to promote—to set on foot—without exception of any persons whatever, an inquiry into all manner of corruption, peculation and oppression. Therefore it was a case exactly within the Company's orders. Such a charge was not sought out, but was actually laid before them. But, if it had not been actually laid before them, if they had any reason to suspect that such corruptions existed, they were bound by this order to make an active inquiry into them.

No inquiry instituted by Mr. Hastings.

Upon that day—the 11th—nothing further passed; and, as far as we can find from Mr. Hastings, that charge might have stood upon the records for ever, without his making the smallest observation upon it or taking any one step to

* Extract from Consultation of the 11th March, 1775.—Printed in the "Minutes of the Evidence," p. 1003.

† Printed in the "Minutes of the Evidence," p. 968.

clear his own character. But Nundcomar was not so inattentive to his duties, as an accuser, as Mr. Hastings was to his duties, as an inquirer. For, two days after, upon the first Board day that he could come, without one moment's delay, he delivers the following letter:— 21 Apr. 1789.

Letter of Nundcomar.

"I had the honour to lay before you [in a letter of the 11th instant, an abstracted but true account of the conduct of the Honourable Governor in the course of his administration. What is there written I mean not in the least to alter; far from it. I have the strongest written vouchers to produce in support of what I have advanced, and I wish and intreat, for my honour's sake, that you will suffer me to appear before you to establish the fact by an additional incontestible evidence."]*

My Lords, I will venture to say, if ever there was an accuser that appeared well and with weight before any body, it was this man. He does not shrink from it. His ideas of honour were, that he was to meet the person he charged face to face; to make good his charge by his own evidence, and further evidence that he should produce. There never did appear, before any body whatever, a charge more worthy to be inquired into.

Specific character of the charge.

Your Lordships have seen the conduct of Mr. Hastings on the first day. You have seen his acquiescence in it. You have seen the suspicion he endeavoured to raise. Now I am to remark upon this accusation, before I say what Mr. Hastings thought of it, that it is a specific accusation, coming from a person knowing the very transaction and known to be concerned in it; that it was an accusation in writing; that it was an accusation with a signature; that it was an accusation with a person to make it good; that it was made before a competent authority, and made before an authority bound to inquire into such accusation.

When he comes to produce his evidence, he tells you first the sums of money given, the specie in which they were given, the very bags in which they were put, the exchange that was made by reducing them to the standard money of the country; he names all the persons through whose hands the whole transaction went, eight in number, besides himself, Munny Begum and Goordass, making eleven, all referred to in this transaction. I do believe that, since the beginning of the world, an accusation never was or ever appeared which it was more necessary to take notice of; because there never was an accusation which put a false accuser in a worse situation, and that put an honest defendant in a better. For

* Printed in the "Minutes of the Evidence," p. 1004.

21 Apr. 1789. there was every means of collation, every means of comparison, every means of cross examining, every means of control. There was every way of sifting evidence in which evidence could be sifted; eleven witnesses to the transaction, who are referred to; all the particulars; the bankers to whom paid, the hands through which paid, the specie in which paid, the money-bags in which put. There is every circumstance that would give any person that was accused the advantage of showing the falsehood of the accusation. General accusations may be treated as calumnies, but particular accusations like these afford the defendant, if innocent, every means that can be thought of for making his defence. Therefore, the very making no defence at all upon it would prove beyond all doubt a consciousness of guilt. Therefore, the first witness we mean to bring before your Lordships is Nundcomar.

Conduct of Mr. Hastings in reference to the charge.

The next thing your Lordships will see, is the conduct Mr. Hastings held upon this occasion. You would imagine that he had collected himself upon the occasion; that he had treated the accusation with a cold and manly disdain; that he had challenged and defied inquiry, and desired to see his accuser face to face. This is what any man would do in such a situation. I can conceive very well that a man composed, firm, and collected in himself, conscious of not only integrity but known integrity, conscious of a whole life beyond the reach of suspicion, in a situation of that kind may oppose general character to general accusation, and stand collected in himself, poised on his own base, and defying all the calumnies in the world. But as it shows a great, and is a proof of a virtuous, mind to despise calumny, it is the proof of a guilty mind to despise a specific accusation, when made before a competent authority and with competent means to prove it. As Mr. Hastings' conduct was what no man living expected, I will venture to say that no expression can do it justice but his own. Upon the reading this letter, and a motion being made that Raja Nundcomar be brought before the Board to prove the charge against the Governor General, the Governor General enters the following minute:—

His minute, prohibiting the examination of Nundcomar at the Board.

["Before the question is put, I declare that I will not suffer Nundcomar to appear before the Board as my accuser. I know what belongs to the dignity and character of the first member of this administration. I will not sit at this Board in the character of a criminal; nor do I acknowledge the members of this Board to be my judges. I am reduced on this occasion to make the declaration, that I look upon General

Clavering, Colonel Monson and Mr. Francis, as my accusers. I cannot prove this in the direct letter of the law, but in my conscience I regard them as such, and I will give my reasons for it. On their arrival at this place, and on the first formation of the Council, they thought proper to take immediate and decisive measures in contradiction and for the repeal of those which were formed by me in conjunction with the last administration. I appealed to the Court of Directors from their acts. Many subsequent letters have been transmitted both by them and by me to the Court of Directors. By me in protestation against their conduct, by them in justification of it. Quitting this ground, they since appear to me to have chosen other modes of attack, apparently calculated to divert my attention and to withdraw that of the public from the subject of our first differences, which regarded only the measures that were necessary for the good of the service, to attacks directly and personally levelled at me, for matters which tend to draw a personal and popular odium upon me, and fit instruments they have found for their purpose,—Mr. Joseph Fowke, Mahrajah Nundcomar, Roopnarain Chowdry, and the Ranny of Burdwan. It appears incontestably upon the records that the charges preferred by the Ranny against me proceeded from the office of Mr. Fowke. All the papers transmitted by her came in their original form, written in the English language, some with Persian papers, of which they were supposed to be translations, but all strongly marked with the character and idiom of the English language. I applied on Saturday last for Persian originals of some of the papers sent by her, and I was refused. I am justified in declaring my firm belief that no such originals exist. With respect to Nundcomar's accusations, they were delivered by the hands of Mr. Francis, who has declared that he was called upon by Rajah Nundcomar, as a duty belonging to his office as a councillor of this state, to lay the packet which contained them before the Board. That he conceived that he could not consistently with his duty refuse such a letter, at the instance of a person of the Rajah's rank, and did accordingly receive it, and lay it before the Board, declaring at the same time that he was unacquainted with the contents of it. I believe that the Court of Directors, and those to whom these proceedings shall be made known, will think differently of this action of Mr. Francis: that Nundcomar was guilty of great insolence and disrespect in the demand which he made of Mr. Francis; and that it was not a duty belonging to the office of a councillor of this state to make himself the carrier of a letter which would have been much more properly committed to the hands of a peon or hircarra, or delivered by the writer of it to the secretary himself. Mr. Francis has acknowledged that he apprehended in general that it contained some charge against me. If the charge was false it was a libel; it might have been false for anything that Mr. Francis could know to the contrary, since he was unacquainted with the contents of it. In this instance, therefore, he incurred the hazard of presenting a libel to the Board; this was not a duty belonging to his office as a councillor of this state. I must further inform the Board that I have been long since acquainted with Nundcomar's intentions of making this attack upon me. Happily Nundcomar, among whose talents for intrigue that of secresy is not the first, has been ever too ready to make the first publication of his own intentions. I was shown a paper containing many accusations agains me, which I was told was carried by Nundcomar to Colonel Monson, explaining the nature of those charges. I mention only what I was told; but as the rest of the report which was made to me corresponds

21 Apr. 1789. exactly with what has happened since, I hope I shall stand acquitted to my superiors and to the world in having given so much credit to it as to bring the circumstance upon record. I cannot recollect the precise time in which this is said to have happened, but I believe it was either before or at the time of the despatch of the Bute and Pacific. The charge has since undergone some alteration, but of the copy of the paper which was delivered to me containing the original charge I caused a translation to be made. When suspecting the renewal of the subject in this day's consultation, I brought it with me, and I desire it may be recorded, that, when our superiors or the world, if the world is to be made judge of my conduct, shall be possessed of these materials, they may, by comparing the supposed original and amended list of accusations preferred against me by Nundcomar, judge how far I am justified in the credit which I give to the reports above mentioned. I do not mean to infer from what I have said that it makes any alteration in the nature of the charges whether they were delivered immediately from my ostensible accusers, or whether they came to the Board through the channel of patronage, but it is sufficient to authorize the conviction which I feel in my own mind that those gentlemen are parties in the accusations of which they assert the right of being the judges. From the first commencement of this administration, every means have been tried both to deprive me of the legal authority with which I have been trusted and to proclaim the annihilation of it to the world; but no instance has yet appeared of this in so extraordinary a degree as in the question now before the Board. The chief of the administration, your superior, gentlemen, appointed by the legislature itself, shall I sit at this Board to be arraigned in the presence of a wretch whom you all know to be one of the basest of mankind? I believe I need not mention his name, but it is Nundcomar. Shall I sit here to hear men collected from the dregs of the people give evidence at his dictating against my character and conduct? I will not. You may if you please form yourselves into a committee for the investigation of these matters in any manner which you may think proper, but I will repeat that I will not meet Nundcomar at the Board, nor suffer Nundcomar to be examined at the Board, nor have you a right to it, nor can it answer any other purpose than that of vilifying and insulting me to insist upon it. I am sorry to have found it necessary to deliver my sentiments on a subject of so important a nature in an unpremeditated minute drawn from me at the Board, which I should have wished to have had leisure and retirement to have enabled me to express myself with that degree of caution and exactness which the subject requires. I have said nothing but what I believe and am morally certain I shall stand justified for in the eyes of my superiors and the eyes of the world; but I reserve to myself the liberty of adding my further sentiments in such a manner and form as I shall hereafter judge necessary."]*

My Lords, you see here the picture of the man drawn by himself. You see the hurry, the passion, the precipitation, the confusion in which he is thrown by all the perplexity of detected guilt. You see, my Lords, that, instead of defending himself, instead of suffering his ac-

* Printed in the "Minutes of the Evidence," p. 1004.

cuser to go on, he rails at his accuser in the most indecent language, calling him a wretch whom they all knew to be the basest of mankind; that he rails at the Council, by attributing their conduct to the worst of motives; that he rails at everybody, and supposes an accusation there brought to be a libel. In short, you see plainly that the man's head is turned. You see there is not a word he says upon this occasion which has common sense in it. You see one great principle leading in it—that he does not once attempt to deny the charge. He attempts to vilify the witness; he attempts to vilify those he supposes to be his accusers; he attempts to vilify the Council; he lies upon the accusation; he mixes it with other accusations which had nothing to do with it, and out of the whole of that he collects a resolution—of what?—to meet his adversary and defy him? No;—that he will not suffer him to appear before him. "I will not sit at this Board in the character of a criminal; nor do I acknowledge the Board to be my judges." 21 Apr. 1789.

His objection to the Board as his judges.

He was not called upon to acknowledge them to be his judges. Both he and they were called upon to inquire into all corruptions without exception. It was his duty, not merely to traverse and oppose them, while inquiring into acts of corruption, but he was bound to take an active part in it; that, if they had a mind to let such a thing sleep upon their records, it was his duty to have brought forward the inquiry. No: "I won't suffer Nundcomar to appear here; nor do I acknowledge the members of this Board to be my judges." They were not his judges. They were not his accusers. They were his fellow labourers in the inquiry ordered by the Court of Directors, their masters, to purge him of that corruption with which he stood charged. He says Nundcomar is "a wretch, whom you all know to be the basest of mankind." I believe they did not know the man to be a wretch or the basest of mankind. But if he was a wretch, and if he was the basest of mankind, if he was guilty of all the crimes with which we charge Mr. Hastings—not one of which was ever proved against him—if he was all that?—If any of your Lordships were to have the misfortune to be before this tribunal, before any inquest of the House of Commons or any other inquest of this nation, would you not say that it was the greatest advantage under heaven to you that the man who accused you was a miscreant, the vilest and basest of mankind, by the confession of all the world? Do mankind really then think that to be accused

His denunciation of Nundcomar, as of vile character.

21 Apr. 1789. by men of honour—of weight—of character—upon probable charges, is an advantage to them; and to be accused by the basest of mankind is a disadvantage? No; give me, if ever I am to have accusers, miscreants, as he calls him in another place—"wretches—the basest and vilest of mankind." The Board, says he, are my accusers. If they were, it was their duty; but they were not his accusers, but were inquiring into matters which it was equally his duty to inquire into. He would not suffer Nundcomar to be produced. He would not suffer Nundcomar to be examined. He rather suffered such an accusation to stand against his name and character than permit it to be inquired into. Do I want any other presumption upon the spot of his guilt, upon such an occasion, than such conduct as this?

His previous extolment of the character of Nundcomar.

This man whom he calls "a wretch—the basest and vilest of mankind"—was undoubtedly by himself, in the records of the Company, declared to be one of the first men of that country, and everything that a subject could be—a person illustrious for his birth, sacred with regard to his caste, opulent in his fortune, eminent in his situation; who had filled the very first offices in that country; that he was, added to all that, a man of most acknowledged talents, and of such a superiority as made the whole people of Bengal appear to be an inferior race of beings compared with him; and a man whose outward appearance and demeanour was used to cause reverence and awe, and who at that time was near 70 years of age, which, without any other title, generally demands respect from mankind. And to call him the basest of mankind!—a name which no man is intitled to call another, till he has proved something to justify him in so doing! Notwithstanding his opulence, his high rank, station and birth, he despises him, and will not suffer him to be heard as an accuser before him.

The weight of accusations affected by the characters of the accusers.

I will venture to say that Mr. Hastings, whether he is elevated by philosophy or inflated by pride, is not like the rest of mankind. Do we not know that, in all accusations preferred by any persons, a great part of their weight and authority comes from the character, the situation, the name, the description, the office, the dignity, of the person who brings the accusation? Mankind are so made, we cannot resist it; and it has weight, and ever will have *primâ facie* weight, in all the tribunals in the world. If it be a person of bad morals, joined with all that, then I admit that those bad morals go to take away from the weight of the others;

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but for a proof of that you must have some other grounds than the charges and the railing of the culprit against him. Raja Nundcomar was a man—and it is not degrading to your Lordships to say he was—equal, according to the idea of his country, to the rank of any peer in this House; as sacred as a bishop—with as much gravity and authority as a judge, he was a Prime Minister in the country in which he lived: and this man he says is a wretch that he will not suffer to be brought before him!

High position of Nundcomar.

If I were to say that his passion is a proof of his guilt? yet there is an action which is more odious than the crimes he attempts to cover; for he has murdered this man, by the hands of Sir Elijah Impey. And, if his Counsel should be unwise enough to endeavour to detract from the credit of this man by the pretended punishment to which they brought him, we will open that dreadful scene to your Lordships, and you will see that it does not detract from his credit, but brings an eternal stain and dishonour upon the justice of Great Britain. I say nothing further of it. As he stood there—as he gave that evidence that day—that evidence was to be received. It stands good, and is a record against Mr. Hastings, with this addition—that he would not suffer it to be examined. He railed at his colleagues. He says, if the charge was false they were guilty of a libel. No: it may be the effect of conspiracy; it may be punished in another way, if it is false; but it is no libel. But the whole of this is to discountenance inquiry, to bring an odium upon his colleagues for doing their duty, and to prevent that inquiry which could alone clear his character.

The murder of Nundcomar imputed to Mr. Hastings.

Charge of libel brought by Mr. Hastings against the Council.

Mr. Hastings had forgotten the character which he had given of Nundcomar. He says that his colleagues knew and were perfectly well acquainted that he was "a wretch—the basest of mankind." Now here is the character Mr. Hastings gave of him when going to put him in the presidency. I am to let your Lordships know, that you may understand fully the purpose for which Mr. Hastings declared this, when he was going to place Nundcomar in that situation, all his Council, whom he stated himself to be under suspicion of being bought by Mohammed Reza Khan—all those persons with one voice cried out against Nundcomar; and, as Mr. Hastings was of the faction the most opposite to Nundcomar, they charged him with direct inconsistency in raising Nundcomar to that trust; which inconsistency Mr. Hastings could not repel any other way than by de-

Character of Nundcomar given by Mr. Hastings.

21 Apr. 1789. fending Nundcomar. The weight of their objections chiefly lay to his political character. His moral character was not discussed in that proceeding. He says,—

"The President does not take upon him to vindicate the moral character of Nundcomar. [His sentiments of this man's former political conduct are not unknown to the Court of Directors, who he is persuaded will be more inclined to attribute his present countenance of him to motives of zeal and fidelity to the service, in repugnance perhaps to his own inclinations, than to any predilection in his favour. He is very well acquainted with most of the facts alluded to in the minute of the majority, having been a principal instrument in detecting them; nevertheless, he thinks it but justice to make a distinction between the violation of a trust and an offence committed against our government by a man who owed it no allegiance nor was indebted to it for protection, but, on the contrary, was the minister and actual servant of a master whose interest naturally suggested that kind of policy, which sought by foreign aids and the diminution of the power of the Company to raise his own consequence and to re-establish his authority. He has never been charged with any instance of infidelity to the Nabob Meer Jaffier, the constant terror of whose politics, from his first accession to the Nizamut till his death, corresponded in all points so exactly with the artifices which were detected in his minister that they may be as fairly ascribed to the one as to the other. Their immediate object was beyond question the aggrandisement of the former, though the latter had ultimately an equal interest in their success. The opinion which the Nabob himself entertained of the services and of the fidelity of Nundcomar evidently appeared in the distinguished marks which he continued to shew him of his favour and confidence, to the latest hour of his life. His conduct in the succeeding administration appears not only to have been dictated by the same principles; but, if we may be allowed to speak favourably of any measures which opposed the views of our own government and aimed at the support of an adverse interest, surely it was not only not culpable but even praiseworthy. He endeavoured, as appears by the abstracts before us, to give consequence to his master, and to pave the way to his independence by obtaining a firmaun from the King for his appointment to the Subaship; and he opposed the promotion of Mahomet Reza Cawn, because he looked upon it as a supercession of the rights and authority of the Nabob. He is now an absolute dependant and subject of the Company] on whose favour he must rest all his hopes of future advancement."*

The character here given him is that of an excellent patriot; a character that all your Lordships, in your several situations, as you may be called to them, will envy; the character of a servant who stuck to his master against all foreign encroachments; who stuck to him to the last hour of his life, and had the dying testimony of his master to his services.

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* Minute of Mr. Hastings, 28th July, 1772.—Printed in the "Minutes of the Evidence." p. 996.

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The Council justified in crediting Nundcomar.

Was Sir John Clavering—was Colonel Monson—was Mr. Francis—to know that this man, of whom Mr. Hastings had given that character upon the records of the Company, was "the basest and vilest of mankind?" No; they ought to have esteemed him the contrary. They knew him to be a man of rank; they knew him to be a man, perhaps, of the first capacity in the world; and they knew that Mr. Hastings had given this honourable testimony of him on the records of the Company but a very little time before; and there was no reason why they should think or know, as he expresses it, that he was "the basest and vilest of mankind." Therefore, from the account of Mr. Hastings, he was a person competent to accuse—a witness fit to be heard; and that is all I contend for. Mr. Hastings would not hear him; he would not suffer the charge he had produced to be examined into.

Nundcomar approved by Mr. Hastings as a prosecutor of Mohammed Reza Khan.

It will appear to your Lordships that he employed him to inquire [into the conduct of] and to be the principal manager of a prosecution against Mohammed Reza Khan. Will you suffer this man to qualify and disqualify witnesses and prosecutors, agreeably to the purposes which his own vengeance and corruption may dictate, in one part, and the defence of those corruptions may dictate in the other? Was Nundcomar a person fit to be employed in the greatest and most sacred trusts in the country, and yet not fit to be a witness to the sums of money which he paid Mr. Hastings for those trusts? Was Nundcomar a fit witness to be employed and a fit person to be used in the prosecution of Mohammed Reza Khan, and yet not fit to be employed against Mr. Hastings, who himself had employed him in the very prosecution of Mohammed Reza Khan? If Nundcomar was an enemy to Mr. Hastings he was an enemy to Mohammed Reza Khan; and Mr. Hastings employed him, avowedly and professedly, on the records of the Company, for the very qualification of that enmity. Was he "a wretch, the basest of mankind," when opposed to Mr. Hastings? Was he not as much a wretch and as much the basest of mankind when Mr. Hastings employed him in the prosecution of the first magistrate and first Mohammedan in Asia? Mr. Hastings shall not qualify and disqualify men at his pleasure. He must accept them such as they are; and it is a presumption of his guilt, accompanying the charge, and which I never will separate from it, that he would not suffer the man to be produced who made the accusation. The accusation was

21 Apr. 1789. so made, so witnessed, so detailed, so specific, so entered upon record, so entered upon record in consequence of the inquiries and orders of the Company, that, that evidence standing upon that paper and in those records in witness against him of the corruptions charged in that paper, I contend that his refusal and rejection of inquiry into them is a presumption of his guilt.

Mr. Hastings' apprehension for his dignity.

He is full of the idea of his dignity. It is right for every man to preserve his dignity. There is a dignity of station which a man has in trust to preserve. There is a dignity of personal character which every man, by being made man, is to preserve. But you see Mr. Hastings' idea of dignity has no connection with integrity; it has no connection with honest fame; it has no connection with the reputation which he is bound to preserve. What, my Lords, did he owe nothing to the Company that had appointed him? Did he owe nothing to the Legislature? Did he owe nothing to your Lordships, and to the House of Commons, who had appointed him? Did he owe nothing to himself?—to the country that bore him? Did he owe nothing to the world, and its opinion, to which every public man owes a reputation? What an example was here to hold out to the Company's servants!

His pretence of reserving his defence for a court of justice.

Mr. Hastings says, this may come into a court of justice: it will come into a court of justice:—"I reserve my defence on the occasion till it comes into a court of justice, and here I make no opposition to it." To this I answer, that the Company did not order him so to reserve himself, but ordered him to be an inquirer into those things. Is it a lesson to teach to the inferior servants of the Company, that, provided they can escape out of a court of justice by the back doors and sallyports of the law—by artifice of pleading—by those strict and rigorous rules of evidence which have been established for the protection of innocence, but which by them might be turned to the protection and support of guilt—that in that case they may escape, and that is enough for them?—that an Old Bailey acquittal is enough to establish a fitness for trust; and that, if a man shall go acquitted out of that court, because the judges are bound to acquit him against the conviction of their own opinion, when every man in the market-place knows that he is guilty, he is fit for a trust?

Ill effect of example of quashing inquiry.

Is it a lesson to hold out to the servants of the Company that, upon the first inquiry that is made into the first cor-

ruption, by the persons authorised to inquire into it, he uses all the powers of that trust to quash it, vilifying his colleagues, vilifying his accuser, abusing everybody, but never denying the charge? His associates and colleagues astonished at this conduct, so wholly unlike every thing that had ever appeared of innocence, request him to consider a little better. They declare they are not his accusers. They tell him they are not his judges; that they, under the orders of the Company, are making an inquiry, which he ought to make. He declares he will not make it. He is then driven to the wall. He says,—"why do you not form yourselves into a committee? I will not suffer these proceedings to go on, as long as I am present." Mr. Hastings plainly had in view that, if the proceedings had been before a committee, there would have been a doubt of their authenticity, as not being before a regular Board; and he contended that no regular Board could be without his own presence in it. A poor, miserable, scheme for eluding this inquiry, partly by saying that it was carried on when he was not present, and partly by denying the authority of the Board.

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His motive for suggesting to the Council to form themselves into a committee of inquiry.

I have nothing to do with the great question that arose upon that occasion, whether, a Governor General being resolved to dissolve a Board, the Board have a right to sit afterwards. It is enough that Mr. Hastings would not suffer them, as a Council, to examine into what, as a Council, they were bound to examine into. He absolutely declared the Council dissolved when they did not accept his committee; for which they had many good reasons, as I shall show in reply, if necessary, and which he could have no one good reason for proposing. He then declares the Council dissolved.

Dissolution of the Council by Mr. Hastings.

The Council, who did not think Mr. Hastings had a power to dissolve them while proceeding in the discharge of their duty, went on as a Council. They called in Nundcomar to support his charge: Mr. Hastings withdrew. Nundcomar was asked what he had to say further in support of his own evidence? Upon which he produces a letter from Munny Begum—the dancing girl that I have spoken of—in which she gives him directions and instructions relative to his conduct in every part of those bribes; by which it appears that the corrupt agreement was made in general for her office with Mr. Hastings, through Nundcomar, before he had quitted Calcutta. It points out the execution of it, and the manner in which every part of the sum was paid; that one lac was

Persistence of the Council in the inquiry.

Production by Nundcomar of letter of Munny Begum, instructing him as to the bribes.

21 Apr. 1789. — Amount of the bribes.

paid by herself, in Calcutta; a lac which she ordered Nundcomar to borrow, and which he did borrow for the payment of Mr. Hastings; and a lac and a half which were given to him, besides this purchase money, under colour of an entertainment. This letter was produced—translated—examined—criticised—proved to have the seal of the Begum—acknowledged to have no one mark any other than of authenticity upon it; and as such entered upon the Company's records, confirming and supporting the evidence of Nundcomar, part by part and circumstance by circumstance. And I am to remark that this document, delivered in, has never been litigated or controverted in the truth of it, from that day to this, by Mr. Hastings. So that, if there was no more, here is enough upon this business.

Two lacs given as direct bribe: one and a half as an entertainment. Cantoo Baboo summoned before the Council.

Your Lordships will remark that this charge consisted of two parts—two lacs that were given for the corrupt purchase of the office, and one lac and a half, given in reality for the same purpose, but under the colour of what is called an entertainment. Now, in the course of these proceedings, it was thought necessary that Mr. Hastings' banya, Cantoo Baboo—a name your Lordships will be well acquainted with, and who was the minister in this and all the other transactions of Mr. Hastings—should be called before the Board, to explain some circumstances in the proceedings. Mr. Hastings ordered his banya—a native—not to attend the sovereign Board appointed by Parliament for the government of that country and for the inquiry into those transactions. He taught the natives, not only to disobey the orders of the court of Directors, enforced by an Act of Parliament, but he taught his own servant to disobey, and ordered him not to appear before the Board. Quarrels, duels, and other mischief, arose upon it. In short, Mr. Hastings raised every power of heaven and of hell upon this subject; but in vain—the inquiry went on.

Ordered by Mr. Hastings not to appear.

Mr. Hastings prosecutes Nundcomar for conspiracy.

He does not meet Nundcomar; he was afraid of him. He was not negligent of his defence, for he flies to the Supreme Court. He there prosecuted an inquiry against Nundcomar for a conspiracy; he failed in it. Then he attempted several other things, and disabled Nundcomar from appearing before the Board by having him imprisoned, and he utterly crippled that part of the prosecution against him. But, as guilt is never able thoroughly to escape, it did so happen that the Council—finding monstrous deficiencies in the Begum's affairs, finding the Nawab's allowance all squandered—that the most sacred

The Council instigated to the inquiry by mismanagement of

pensions in it were left unpaid—that nothing but disorder and confusion reigned in the whole—that the Nawab's education was neglected—that he could scarcely read or write—that there was scarcely any mark of a man left in him, except those which nature had at first imprinted—all these abuses existing in a body before them, they sent up to inquire into them. Mr. Hastings found that, this business being divided into two parts, the charge must come fully against him. He contrived a plan, which your Lordships will see the effects of presently, which was, to separate the lac and a half from the two lacs given directly and specifically as a bribe, and, whenever any payment was to be proved of these two lacs, which he knew would be proved against him, and which he never did deny, he contrived this finesse [of diverting the inquiry to the lac and a half]. Accordingly, the proof of the money is somewhat different and in some circumstances agreeing, and we shall bring before you the whole.

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The Nawab's affairs.

Proofs of the tribe of two lacs.

The first part of the proof of the two lacs, as I stated, is proved by Nundcomar—proved with all the means of detection which I stated. The next is Munny Begum's letter, the authenticity of which was established and never denied by Mr. Hastings. They next sent to inquire of Raja Goordass, who had the management of the Nawab's treasury. He verbally gave an account perfectly corresponding with that of Nundcomar and the Munny Begum's letter. He then gives in writing an attestation, every point of which agrees correctly with the others. So that there are three witnesses upon this business. And he shall not disqualify Raja Goordass; because, whatever character he thought to give Nundcomar, he has given the best of characters to Raja Goordass. He was employed by him in occupations of trust; and, therefore, any objections to his competency could not exist; he has himself given every authenticity to the account. There can be no doubt of the truth of his attestation, and what he had before deposed by word of mouth; and, lastly, Mr. Hastings gives him a character establishing his credibility.

Proof of the payment of the one and a half lac.

Having got thus far, the only thing that remained was to look into the offices, and see whether any trace of them was to be found there. The offices were thrown into confusion in the manner you will hear; but, upon a strict inquiry, there was an office paper produced, called by some persons a warrant, though it is of another nature—a treasury warrant, in which it appears that one lac and a half

21 Apr. 1789. of this money was desired to be brought to the Nawab by the officers of the treasury, and a question was asked of him, "To what account am I to enter this money which I gave to Mr. Hastings?" To which he says, "Write it off to expense." If there had been a head of entertainment established as a regular affair, the officer would never have gone to the Nawab and asked under what name to enter it; but he found an irregular affair, which he did not know what head to put under, and accordingly it is written off, "A lac and half given to Mr. Hastings, to expense." All the original proceedings—every one of them—carry it that there are three lacs and a half; two lacs by way of bribe, one lac and a half under the colour of an entertainment.

Endeavour of Mr. Hastings to confound the two transactions.

Mr. Hastings endeavours to invalidate the first obliquely, not directly, for he never denied it; and partly to admit the second, in hopes that all the proof of payment of the first charge should be merged and confounded in the second. And, therefore, your Lordships will see, from the beginning of that business till it came into the hands of Mr. Smith, his agent, then appearing in the name and character of agent and solicitor to the Company, that this was done to give some appearance and colour to it by a false representation, as your Lordships will see, of every part of the transaction. These were the proofs of the business of the two lacs—the evidence of Nundcomar, the letter of Munny Begum, the evidence of Raja Goordass.

Further proofs of his receipt of the one and a half lac.

The evidence of the lac and a half by way of entertainment was at first the same; and, after, begins a series of proofs, which Mr. Hastings, instead of endeavouring to prevent or to baffle, has himself helped us to. For, in the first place, this office paper is produced as if it were in support of that division, to establish that head; and he did not himself resist that he received a lac and a half, because upon that lac and a half he had founded some principle of justification. Accordingly this office paper asserts and proves this lac and a half to be so given, in addition to the other proofs. Then Munny Begum herself is inquired of. There is a commission appointed to go up. Mr. Hastings objects to Mr. Goring's evidence upon this occasion, and, accordingly, he sends up a commission himself. Mr. Goring had given direct evidence that the Begum had put a paper of accounts out of her hand, through her son, into his—which evidence shall be given at your Lordships' bar—in which she expressly said that she gave him a lac and a half for enter-

Commission appointed by Mr. Hastings to inquire of Munny Begum.

tainment. Then he appoints another inquiry. He wanted to supersede Mr. Goring in the inquiry, and he appoints, with the consent of the Council, two creatures of his own to go and assist upon that inquiry; and the question he puts to them in that inquiry is this,— 21 Apr. 1789. Second inquiry instituted by him.

"Was the sum of money, charged by you to be given to Mr. Hastings, given as an idea of entertainment customary, or upon what other ground, or upon what other reason?"

He desires the following questions may be proposed to the Begum:— Questions proposed by him to the Begum.

"Was any application made to you for the account, which you have delivered, of three lacs and a half of rupees, said to have been paid to the Governor and Mr. Middleton; or did you deliver the account of your own free will and unsolicited?"

My Lords, you see that, with regard to the whole three lacs and a half of rupees, she had given an account which tended to confirm it; but Mr. Hastings wanted to invalidate that account, by supposing that she gave it under constraint.

The second question is,—

"In what manner was the application made to you, and by whom?

But the great one is this—

"On what account was the one lac and a half given to the Governor General, which you have laid to his account? Was it in consequence of any requisition from him, or of any previous agreement, or of any established usage?"

When a man asks, concerning a sum of money charged to be given to him from a person by another person, on what account it was given, he does indirectly admit that that money actually was paid, and wants to derive a justification concerning the mode of the payment of it. And, accordingly, that question was sent up with that inference, and served as an instruction to Munny Begum; and her answer was, that it was given to him as an ancient usage and custom, as an entertainment. So that the fact of the gift of the money is ascertained by the question put by Mr. Hastings to her, and her answer. That establishes two things; first, that she had originally asserted that she had given that sum; second, that, Mr. Hastings supposing she had asserted it and asking why she gave it—she says, as an entertainment. And thus at last comes his accomplice in this business, and gives the fullest testimony to the lac and a half. The fact of donation of the one and a half lac admitted by the Begum.

There were other witnesses examined upon this business. I must beg leave, before I go further, to state the circumstances of those several witnesses. They were of two kinds —voluntary witnesses, and the detection of accomplices, Witnesses examined as to the bribes.

21 Apr. 1789. forced by inquiry and examination to discover their own guilt. Of the first were Nundcomar and Raja Goordass. These were the only two that can be said to be voluntary in the business, and who gave that information without much fear; though the last unwillingly, and with a full sense of the danger of doing it.

The other was the evidence of his accomplice, Munny Begum, wrung from her by the force of truth, and by which she confessed that she gave the lac and a half. She denies giving anything more. She admits giving the lac and a half, and justifies it upon the idea of its being a customary entertainment.

The bribe of two lacs proved by Chittendur's evidence.

This is the evidence of which there remains but one part, that is the evidence of Chittendur, who was one of Mr. Hastings' instruments, and one of the Begum's servants. He, upon being examined and prepared to confound the two lacs with the one lac and a half, says that a lac and a half was given. Then they examine into the particulars of it, and he proves that the sum he gave was two lacs, and not a lac and a half; for he says that there was a dispute about the other half lac. Nundcomar demanded interest, which the Begum was unwilling to allow, and, consequently, that half lac remained unpaid. Now that half lac is no part of the lac and a half, which is admitted on all hands, and proved by the whole body of concurrent testimony, to be given to Mr. Hastings in one lumping sum. When Chittendur endeavours to confound it with the lac and a half, he clearly establishes that it was a parcel of that two lacs; of which he bore evidence, in attempting to prevaricate in favour of Mr. Hastings, that the one lac and a half was paid—which he is willing to allow; but, when he comes to justify it and to enter into the particulars of it, he proves, by the subdivision of the payment which was made, and the nonpayment, that it accords with two lacs and not with the lac and a half.

Accumulation of evidence.

There are other circumstances in these accounts highly auxiliary to this evidence. The lac and a half was not only attested by Raja Goordass—by the Begum—by Chittendur—by the Begum again, upon Mr. Hastings' own question; indirectly admitted by Mr. Hastings; proved by the orders for it to be written off to expense—such a body of proof as perhaps never existed; but there is one proof still remaining,

Proof from an account delivered by Munny Begum.

namely, a paper which was produced to the committee, and which we shall produce to your Lordships. It is an authentic paper, delivered in favour of Mr. Hastings by Major Scott, who acted at that time as Mr. Hastings' agent to a

committee of the House of Commons, and authenticated to come from Munny Begum herself. All this body of evidence we mean to produce. The first is, in my opinion, satisfactory that he received the two lacs; that he received one lac and a half under the name of entertainment; and that all the rest clearly follows. With regard to the lac and a half, Mr. Hastings is so far from controverting it, even indirectly, that he is obliged to establish it by testimonies produced by himself, in order to sink in that, if he can, the two lacs which he thinks he is not able to justify, and which he fears will be proved against him. The lac and a half I do believe he will not be advised to contest; but, whether he is or not, we shall load him with it; we shall prove it beyond all doubt. 21 Apr. 1789.

But there are other circumstances, auxiliary in this business, which, from the very attempts to conceal them, prove beyond doubt the fraudulent and wicked nature of the transaction. One lac appears upon the account given by the Begum—the lac which is for Mr. Hastings' entertainment, which is entered in a suspicious neighbourhood; for there is there entered a lac of rupees paid for the subahdari sannads to the Mogul through the Raja Shitab Roy. When we look at these, the first thing we find is that, comparing it with another paper produced, this woman charges the sum paid to be a sum due, and then she charges that to be paid when the Mogul was in the hands of the Mahrattas, when all communication with him was stopped, and when Raja Shitab Roy, who is supposed to have paid it, was under confinement in the hands of Mr. Hastings. Thus she endeavours to conceal the lac of rupees paid to Mr. Hastings.

In order to make the thing clear to your Lordships, as the transaction is made by him, but not in itself, in some degree intricate, we pledge ourselves to give to your Lordships, and which must be a great advantage to the culprit himself, a syllabus—a head—of all the charge and the proof itself, and a clear head of reference to show how far the proof goes to the two lacs, and then to the one lac and a half singly. This we shall put in writing, that you may not depend upon the fugitive memory of a thing not so well perhaps or powerfully expressed as it ought to be. But, in order to give every advantage to the defendant—in order to give every advantage to your Lordships' judgment—we will give in, along with our evidence, a clear head of reference to it, which will, I believe, be thought a clear and fair way of proceeding. Promise of a syllabus of the proof of the charges.

21 Apr. 1789.

Presumptive proof of guilt from Mr. Hastings' conduct.

Your Lordships will judge whether or no the presumptions from Mr. Hastings' conduct at the time, in resisting an inquiry, by preventing his servant appearing as an evidence—by discountenancing and discouraging his colleagues—by raising every obstruction to the prosecution—dissolving the the Council—preventing evidence and destroying all in his power by collateral means—whether that is not a presumptive proof that gives double force to all the proof we produce against him. This lac and a half, I know, he means to support upon the custom of entertainment. It is plain he did so; and your Lordships will be able to judge whether or no a man who was ordered and had covenanted never to take more than 400*l.*, could take 16,000*l.* under colour of an entertainment. I will show your Lordships that what he intends to produce as a justification, that we charge, and that your Lordships and the world will think, the heaviest aggravation of his crime. And, when I have given that to your Lordships and left the just impression of that upon your minds, I shall beg your Lordships' indulgence to finish this member of the business to morrow.

The custom of presents for entertainment put forth as a screen.

Circumstances under which the entertainment was given.

I have just to state to your Lordships Mr. Hastings' business when he took 16,000*l.* for his entertainment. It is entered there, and the evidence given of it is an entertainment provided for him at the rate of 200*l.* a day; that he staid at Moorshadabad for near three months, at an expense of 200*l.* a day. You will see that, by Mr. Hastings receiving 200*l.* a day for a visit, visits from Mr. Hastings are pretty expensive things:—73,000*l.* a year for an entertainment for Mr. Hastings! We find that Mr. Middleton, an English gentleman, along with him, had received likewise, whether under the same pretence I know not and it does not signify, another sum equal to it. And if these two gentlemen had staid in that country, their several allowances would have been 146,000*l.* a year, out of the Nawab's allowance of 160,000*l*, a year: they would have eaten up the whole of it. Do you wonder that such guests and such hosts are difficult to be divided? Do you wonder that such visits, when so well paid for and well provided for, were naturally long? There is hardly a prince in Europe who would give to another prince of Europe, from his royal hospitality, what was given upon this occasion to Mr. Hastings.

Object of his visit to the province to retrench expenses.

What was Mr. Hastings' business during this long protracted visit? First, he tells you that he came there to reduce all the state and dignity of the Nawab. He tells you that he felt no compunction in reducing that state; that the elephants

—the menagerie—the stables—all went without mercy, and all the persons concerned in them. He was there to retrench expenses. He turned out every person dependent upon Mohammed Reza Khan, but he says,— 21 Apr. 1789.

"I proceeded with great pain, in the reflection that I was the instrument in depriving whole families, all at once, of their bread, and reducing them to a state of penury. Convinced of the necessity of the measure, I endeavoured to execute it with great impartiality."*

Here he states the work he was employed in when he took this 200*l.* a day for his pay,—

"It was necessary to begin with reforming the household servants of the court, and retrenching the idle parade of elephants, menageries, &c., which loaded the civil list. This cost little regret in performing, but the President who took upon him the chief share in this business acknowledges he suffered considerably in his feelings when he came to touch on the pension list; some hundreds of persons of the ancient nobility of the country excluded under our government from almost all employments, civil or military, had ever since the revolution depended upon the bounty of the Nabob; and near ten lacks were bestowed that way. It is not that the distribution was always made with judgment or impartial, and much room was left for a reform; but when the question was to cut off entirely the greatest part, it could not fail to be accompanied with circumstances of real distress. The President declares that, even with some of the highest rank, he could not avoid discovering, under all the pride of eastern manners, the manifest marks of penury and want. There was, however, no room left for hesitation; to confine the Nabob's expenses within the limited sum it was necessary that pensions should be set aside."

Withdrawal of pensions from the nobility.

There is a man sent to execute one of the most dreadful offices that was ever executed by man—to cut off, as he says himself, with a bleeding heart, the only remaining allowance made for hundreds of decayed nobility and gentry of a great kingdom, driven by our government from the offices upon which they existed. In this moment of anxiety and affliction, when he says he felt pain and was cut to the heart to do it, at this very moment, when he was turning over fourteen hundred of the ancient nobility and gentry of this country to downright want of bread, just at that moment while he was doing this act, and feeling this act in this manner, from the collected morsels forced from the mouths of that indigent and famished nobility he gorged his ravenous maw with an allowance of 200*l.* a day for his entertainment. This man is

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* Minute of Mr. Hastings, 25th January, 1773.—Printed in the Appendix to the "Minutes of the Evidence," p. 423.

† General Letter to the Court of Directors, 10th November, 1772.—Printed as above, p. 421.

21 Apr. 1789. unlike any others. He is never corrupt but he is cruel. He never dines without creating a famine. He does not take from the loose superfluity of standing greatness, but he falls upon the indigent, the oppressed and ruined; he takes from them double what would maintain them. Not like the generous rapacity of the noble eagle who preys upon a living, struggling, reluctant, equal, prey. No; he is like the ravenous vulture who falls upon the decayed, the sickly, the dying and the dead, and anticipates nature in the destruction of its object. His cruelty is beyond his corruption. There is something in his hypocrisy which is more terrible than his cruelty. For, at the very time when, with a double and unsparing hand, he sometimes executes a proscription and sometimes sweeps off the food of hundreds of the nobility and gentry of a great country, his eyes overflow with tears, and he turns the precious balm that bleeds from wounded humanity and is its best medicine into a deadly, rancorous, mortal, poison to the human race.

You see that, when he takes 200*l.* a day for his entertainment, he tells you that, in the very act in which he is doing that, he was starving fourteen hundred of the ancient nobility and gentry. My Lords, you have the blood of nobles—if not, you have the blood of men—in your veins. You feel as nobles—you feel as men. What should you say to a cruel Mogul exactor were you all driven from your estates—driven from the noble offices, civil and military, you hold—driven from your bishoprics—driven from your places at court—driven from your offices as judges—from all military situations, and, at last, left a miserable stock of pensioners, to have those pensions wrested from your mouths; while, at the very time when you had those pensions wrested from you—which that man himself declares to be the only bread of that miserable, decayed, nobility—he takes himself 200*l.* a day for his entertainment, which is continued till it amounts to 16,000*l.*? I do think that of the corruptions which he has not owned but which he has not denied, or of those which he does in effect own and bring forward the evidence of himself—the two lacs standing unaccompanied with any other circumstances—those which he has claimed and taken under colour of an entertainment are ten times the most nefarious part of the proceedings.

The transaction never denied by Mr. Hastings.

I shall this day trouble your Lordships with no more than this—that your Lordships will observe one circumstance—that he has never directly denied one word of this transaction. He

did not deny it at the time: he did not deny it to the court of Directors. On the contrary, he did in effect acknowledge it, when, without directly acknowledging it, he promised them a full and liberal explanation of the whole transaction. He never did give that explanation. He is driven to resign, yet he never once denies this fact. I have tumbled over the records—I have looked at every part, to see whether he denied it. Parliament took up this business. This matter was reported at the end of the Eleventh Report. He took no notice of it when the House of Commons reported it, and made that public which before was upon the Company's records. Then another time comes. He comes before the House of Commons. He knows he is prosecuted for these very corruptions. He well knows these charges exist against him. He comes before the House of Commons; makes his defence—if he will allow it to be his defence. There he has not denied it. That was the time when he was driven to deny it; but, knowing that, if he had denied it, it could be proved upon him when we brought it in the House of Commons, he appeared there at our bar and he did not deny it there. I desire your Lordships will look at that paper which we have given in evidence and see if you find a word of denial of it. There is much discourse, much folly, much insolence, but not one word of denial. Then, at last, it came in judgment against him. I desire to refer you to that part of the defence to the Article in which this is specifically charged. He does not deny it there. The only thing which looks like a denial is one sweeping clause, in order to put us upon the proof of it—that they are to be conceived all as denied: but a specific denial to this specific charge, in no stage of the business from beginning to end, has he once made. And, therefore, with this I close that part of the charge upon this business of Nundcomar. You will see such a body of presumptive proof and positive proof as never was given yet of any secret, corrupt, act of bribery: and there I leave it with your Lordships' justice. I beg pardon for having detained you so long, but your Lordships will be so good as to observe that no business ever was covered with more floods of iniquitous artifice than this which is now brought before you. 21 Apr. 1789.

CONTINUATION OF THE SPEECH OF THE RT. HON. EDMUND BURKE, MANAGER FOR THE HOUSE OF COMMONS, IN OPENING THE SIXTH ARTICLE OF THE CHARGE, RELATING TO PRESENTS; 25 APRIL, 1789.

25 APR. 1789. MY LORDS,—When I last had the honour of addressing your Lordships, I endeavoured to state to you, with as much perspicuity as the nature of an intricate affair would admit, and as largely as was consistent with the brevity which, in so intricate an affair, I endeavoured to preserve, the proofs which had been adduced against Warren Hastings, upon an inquiry, instituted by an order of the court of Directors, into the corruption and peculation of persons in authority in India.

My Lords, I have endeavoured to show you by presumptions before that proof, drawn from the nature and circumstances of the acts themselves inferring guilt, that such actions and such conduct could be referable only to one cause—namely, corruption. I endeavoured to show you afterwards, my Lords, what the specific nature and extent of the corruption was, as far as it could be fully proved; and, lastly, the great, satisfactory, presumption which attended the inquiry with regard to Mr. Hastings, namely, that, contrary to law, contrary to his duty, contrary to what is owed by innocence to itself, Mr. Hastings resisted that inquiry, and employed all the power of his office to prevent the exercise of it, either in himself or in others. These presumptions and these proofs will be brought before your Lordships, distinctly and in parts, at the end of this opening.

The next point on which I have thought it necessary to proceed was relative to the presumptions which his subsequent conduct gave with regard to his guilt. Because, my Lords, an uniform tenor of conduct, such as must attend guilt, both in the act, at the time of the inquiry, and subsequent to it, will form such a body of satisfactory evidence as I believe the human mind is not made to resist.

My Lords, there is another reason why I choose to enter into the presumptions drawn from his conduct and the fact,

taking his conduct in two parts, if it may be so expressed, omission and commission—in order that your Lordships should more fully enter into the consequences of this system of bribery. But, before I say anything upon that, I wish your Lordships to be apprised that the Commons, in bringing this bribe of three lacs and a half before your Lordships, do not wish by any means to have it understood that this is the whole of the bribe that was received by Mr. Hastings, in consequence of delivering up the whole management of the government of the country to that improper person whom he nominated for it. My Lords, there will be proof adduced before you that there is a great probability that he received very near a hundred thousand pounds. There is a proof of his receiving fifty: but we have chosen only to charge him with that upon which there is such an accumulated body of proof as to leave no doubt upon the minds of your Lordships. This I say, because we must be perfectly apprised of the temper of the public in that respect—that, when they hear of the enormity of Indian peculation—when they see the acts done and compare them with the bribes received—the acts seem so enormous and the bribes comparatively so small that they can hardly be got to attribute them to that motive. All I mean to state is this, that—from the collective view of the subject, your Lordships will be able to judge that some enormous offence has been committed, and that the proof we give is a specimen of the nature and extent of that enormous bribe, which extends to much greater sums than we are able to prove, in the manner your Lordships would like and expect, before you.

25 Apr. 1789.

Extent of the bribe from Munny Begum not limited to three and a half lacs.

After this charge was brought and recorded before the Council, in spite of the resistance that Mr. Hastings made, employing all the power and authority of his station and the whole body of his partizans and associates in iniquity, dispersed through every part of these provinces—after he had taken all these steps, finding that he was pressed by the proof and pressed by the presumption of his resistance to it, he did think it necessary to make something like a defence; and, accordingly, he has made what he calls a justification. Which defence did not consist in the denial of that fact or any explanation of it, but the mode he took for his defence was abuse upon his colleagues, abuse upon the witnesses, and every person who in the execution of his duty was inquiring into the fact, and charging them with things which, if true, were by no means sufficient to support him in

A defence of his conduct in opposing inquiry attempted by Mr. Hastings.

His abuse of his colleagues.

25 Apr. 1789. his acts or in the criminal means he used in preventing inquiry into them, but to mislead their minds—to carry them from the accusation and the proof of it to the circumstance of the passion, violence and intemperate heat, with which he charged them. They were proceeding in an orderly, regular, manner; and, if on any occasion they seemed to break out into warmth, it was in consequence of that resistance he made to them in one of the most important parts of their functions, as I believe your Lordships will agree with them in thinking it was. If they had been intemperate in their conduct, if they had been violent, passionate, prejudiced against him, it would have afforded him only a better means of making his defence. Because, though, in a rational and judicious mind, the intemperate conduct of the accuser certainly makes nothing with regard to the truth or falsehood of his accusation, yet we do know that the minds of men are so constituted that an improper mode of conducting a right thing does form some degree of prejudice against it. And, therefore, Mr. Hastings, having nothing to defend upon principle, has resorted as much as he possibly could to prejudice; and, at the same time that there is not one word of denial or the least attempt at a refutation of that charge, he has loaded the records with all manner of minutes, proceedings and letters, relative to everything but the subject. The great aim of his policy, both then, before, and ever since, was to divert the mind of the auditory, or the persons to whom he addressed himself, from the nature of his cause to some collateral circumstance relative to it—a policy he has always had recourse to. But that trick, the last resource of despairing guilt, I trust will now completely abandon him.

Declares he reserves his defence.

But Mr. Hastings began to be pretty sensible that this way of proceeding must have a very unpromising and untoward look. For which reason he declared that he reserved his defence, for fear of a legal prosecution, and that sometime he would give a large and liberal explanation to the court of Directors, to whom he was answerable for his conduct for his refusing to suffer the inquiry to go on—for his omitting to give them satisfaction at the time—for his omitting to take any one natural step that an innocent man would have taken upon such an occasion. Under that promise he has remained from that time to the time you see him at your bar; and he has neither denied, apologised for, exculpated or explained, his conduct in any one single instance.

The causes why he should have given the explanation grew stronger and stronger after the business had ended; for not only the charges exhibited against him were weighty, but the manner in which he was called upon to inquire into them was such as would undoubtedly tend to stir the mind of a man, to rouse him to some consideration of himself and the necessities of his defence. Because Mr. Hastings, while he accuses the intemperance of his adversaries, shows a degree of temperance in himself which always attends guilt in despair. For struggling guilt may be warm, but guilt that is desperate has nothing to do but to submit to the consequence of it,—to bear the infamy annexed to its situation, and to try to find some consolation in the effects of guilt with regard to private fortune, for the scandal it is exposed to in public reputation. He was goaded to make a defence by the words I shall read to your Lordships from Sir John Clavering:—

25 Apr. 1789. Increasing urgency of reasons for explaining his conduct.

"In the late proceedings of the Revenue Board it will appear that there is no species of peculation from which the honourable Governor General has thought it reasonable to abstain." *

Minute of Sir J. Clavering, charging him with peculation.

He further says, in answer to Mr. Hastings,—

"The malicious view with which this inuendo"—an inuendo of Mr. Hastings—"is thrown out, is only worthy of a man who, having disgraced himself in the eyes of every man of honour both in Asia and in Europe, and having no imputation to lay to our charge, has dared to attempt in the dark what malice itself could not find grounds to aim at openly."

These are the charges which were made upon him, not loosely in the heat of conversation, but deliberately in writing entered upon record, and sent to his employers the court of Directors—those whom the law had set over him, and to whose judgment and opinion he was responsible. Do your Lordships believe that it was conscious innocence that made him endure such reproaches, so recorded, from his own colleague? Was it conscious innocence that made him abandon his defence, renounce his explanation, and bear all this calumny—if it was calumny—in such a manner, without making any one attempt to refute it?

Your Lordships see, by this and by other minutes with which the books are filled, that Mr. Hastings is charged

Guilt inferred from Mr. Hastings' pas-

* Extract of Minute of General Clavering, Colonel Monson and Mr. Francis, 5th May, 1775.—Printed in the Eleventh Report from the Select Committee, Appendix K. a.

25 Apr. 1789. quite to the brim with every mode of possible disgrace. For there is something so base and contemptible in the crimes of peculation and bribery, that, when they come to be urged homely and strongly to a man, as here they are urged, nothing but a consciousness of guilt can possibly make him bear up under them. Mr. Hastings considered himself, as he has stated, under the necessity of bearing them. What is that necessity? Guilt! To say that Sir John Clavering was a man—for I say nothing now of Colonel Monson and Mr. Francis, who were joined with him—weak and contemptible! I believe there are those among your Lordships who remember that Sir John Clavering was known before he went abroad, and better known by his conduct after, to be a man of the most distinguished honour that ever served his Majesty. He served his Majesty in a military situation for many years, and afterwards in that high civil situation. It is known, that, through every step and gradation of a high military service until he arrived at one of the highest of all, there never was the least blot, or doubt, or suspicion, of his character; that his temper, for the most part, and his manners were fully answerable to his virtues and a noble ornament to them; that he was one of the best natured, best bred men, as well as one of the highest principled men, to be found in his Majesty's service; that he had passed almost the middle time of life, and come to an age which makes men wise in general—that they should be warmed by nothing but that noble indignation at guilt, which is the last thing that ever was or will be extinguished in a virtuous mind. He was a man whose voice was not to be despised. But if his character had been personally as contemptible as it was meritorious and honourable in every respect, yet his situation as a commissioner, named by an Act of Parliament for the express purpose of reforming India, gave him a weight and consequence that could not suffer Mr. Hastings, without a general and strong presumption of his guilt, to acquiesce in such recorded minutes from him. But if he had been all this; if he had been that weak—if he had been that intemperate—man, who in reality was as cool, steady, temperate, judicious, a man as ever was born—supposing he had been so, the court of Directors, to whom Mr. Hastings was responsible by every tie and every principle, and was made responsible at last by a positive Act of Parliament obliging him to yield obedience to their commands, as the general rule of his duty—the court of Directors perfectly

—— siveness under the charges.

High character of Sir J. Clavering.

Conduct of Sir J. Clavering approved by the Directors.

approved every part of General Clavering's, Colonel Monson's and Mr. Francis', conduct. They approved this inquiry which Mr. Hastings rejected, and they have declared,— 25 Apr. 1789.

"That the power and instructions vested in and given to General Clavering and the other gentlemen were such as fully authorized them in every inquiry that seems to have been their object . . . . Europeans."*

Now, after the supreme authority to which they were to appeal in all their disputes had passed this judgment upon this very inquiry, it no longer depended upon Mr. Hastings; nor could he be longer justified in attributing that to evil motives, either of malice or passion, in his colleagues. When the judges who were finally to determine who was malicious—who was passionate—who was or was not justified, either in setting on foot the inquiry or resisting it—when they had passed that judgment, then Mr. Hastings was called upon by all the feelings of a man—in Council, called upon by his duty—to give satisfaction to his masters, the Directors, who approved of the zeal and diligence of that inquiry, the passion of which he only reprobated, and upon which he grounded his justification.

If any thing but conscious guilt could possibly influence him to such more than patience under this accusation, it was that, when General Clavering, fatigued by the miseries of his situation, and having lost a very able and affectionate colleague, Colonel Monson, whom Mr. Hastings states to be one of the bitterest of his accusers—a man, one of the most loved and honoured of his time—a person of your Lordships' noble blood, and a person who did honour to it—and, if he had been of the family of a commoner, well deserving to be raised to your distinction; when that man died—died of a broken heart, to say nothing else—when General Clavering, feeling himself in a manner without help, except what he derived from the firmness, assiduity and patience, of Mr. Francis, sinking like himself under the exertion of his own virtues, was resolved to resign his employment—the court of Directors was so alarmed at this attempt of his to resign his employment that they wrote thus:—

Opposition of the Directors to Sir J. Clavering's offer to resign.

"When you conceived the design of quitting our service we imagine you could not have heard of the resignation of Mr. Hastings . . . . your zeal and ability."

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* This and the following papers referred to have not been found in the Minutes of the Evidence, nor in the Reports of the Committees on the affairs of India.

25 Apr. 1789

Death of Sir J. Clavering.

His character, as given by the Directors.

My Lords, in this struggle and before he could resign finally, another resignation—the resignation of nature—took place, and Sir John Clavering died.* Then Mr. Hastings came to full power. The character that was given to Sir John Clavering at that time is a seal to the whole of his proceedings, and the use that I shall make of it your Lordships will see presently.

> "The abilities of General Clavering, the comprehensive knowledge he had attained of our affairs . . . . to the East India Company."

And never had it a greater loss. There is the concluding funeral oration made by his masters, upon a strict though by no means partial view of his conduct. My Lords, here is the man who is the great accuser of Mr. Hastings, as he says. What is he? a light man? a man of mean situation? a man of mean talents? a man of mean character? No; of the highest character. Was he a person whose conduct was disapproved by their common superiors? No; approved when living and ratified when dead. This is the man whom Mr. Hastings abuses upon the supposed impropriety of his conduct. This was the man—a man equal to him in every respect—upon the supposed evil motives of whom was founded the sole justification of Mr. Hastings. But be it then that Sir John Clavering, Colonel Monson and Mr. Francis, were all of them the evil-minded persons that he describes them, and that, from dislike to them—from a kind of manly resentment, if you please, against such persons—a hatred against malicious proceedings and a defiance of them—for that period of time, and while oppressed by that combination he states, he did not think proper to make his defence. Then, upon every principle of prudence and dignity, afterwards, when he got rid of those two persons, and when Mr. Francis was nothing, when the whole majority was in his hand, and there was a large, open, full, field for inquiry, he was bound to reinstitute that inquiry, and to clear his character before his judges and before his masters. Mr. Hastings says "no; they have threatened me with a prosecution, and I reserve myself for a court of justice."

Weight of accusation of Mr. Hastings.

Persistence of Mr. Hastings in resisting inquiry when in the majority in the Council.

Now Mr. Hastings has taken a ground, as you will see from all his writings, which will make all explanation of his

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* The death of Sir John Clavering took place in the month of August 1777.

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His reasons for reserving his defence.

conduct in this absolutely impossible. For, in the first place, he says—"if a prosecution is meditated against me, I say nothing in explanation of my conduct, because I might disclose my defence, and by that means do myself a prejudice." On the other hand, if the prosecution was dropped, which was the case here, that the prosecution did drop, as we all know it did, then he has a direct contrary reason, but that serves him just as well,—"why, as no prosecution is intended no defence need be made." So that, whether a prosecution is intended or a prosecution dropped, there is always cause why Mr. Hastings should not give the court of Directors the least satisfaction concerning his conduct; though we shall prove that he has reiteratedly promised and promised it in the most ample and liberal manner. But let us see the kind of presumption he has made, in order to rebut the presumption which he knew was irresistible, and which, by making no defence for his conduct and stopping the inquiry, he knew must necessarily lie upon him. What is the reason why "I reserve my defence and explanation?"—for he promised both defence and explanation.

Admission of the fact by promise of defence.

Your Lordships will remark that there is nowhere a clear and positive denial of the fact. Promising a defence, I will admit, does not directly and *ex vi termini* suppose that a man may not deny the fact; because it is just compatible with the defence; but it does by no means exclude the admission of the fact, because the admission of the fact may be attended with a justification. But, when a man says that he will explain his conduct with regard to a fact, then he admits the fact; because there can be no explanation of a fact which has no existence. Therefore, Mr. Hastings admits the fact by promising an explanation, and he shows that he has no explanation nor justification to give by never having given it. Goaded, provoked, and called upon for it in the manner I have mentioned, he chooses to have a feast of disgrace, if I may say so—to have a riot of infamy—served up to him day by day for a course of years, in every species of reproach that could be given, by his colleagues and by the court of Directors;—from whom, he says, he received nothing but opprobrious and disgraceful epithets, and that his predecessors possessed more of their confidence than he had.* Yet for years he lay down upon that sty of disgrace,

His submission to infamy.

* See Mr. Hasting's letter to the Directors, dated 16th December, 1782.—Printed in the "Minutes of the Evidence," p. 1116.

25 Apr. 1789. fattening in it, lying feeding upon that offal of disgrace and excrement, and everything that could be opprobrious to the human mind, rather than deny the fact and put himself upon a civil justification. Infamy was never incurred for nothing. We know very well what was said formerly—

> " —— Populus me sibilat; at mihi plaudo
> Ipse domi, simul ac nummos contemplor in arca."

And never did a man submit to infamy for anything but its true reward—money. Money he received—the infamy he received along with it. He was glad to take his wife with all her goods. He took her with her full portion—every infamy that belonged to her. And your Lordships cannot resist the opinion that he would not have suffered himself to be disgraced with the court of Directors—disgraced with his colleagues—disgraced with the world—disgraced upon an eternal record—without he was absolutely guilty of the fact that was charged upon him.

His obligation as a servant of the Company to account to them for his conduct.

He frequently expresses that he reserves himself for a court of justice. Does he, my Lords? I am sorry that Mr. Hastings should show that he always mistakes his situation. He has totally mistaken it. He was a servant, bound to give a satisfactory account of his conduct to his masters; and, instead of that, he always considers himself and the court of Directors as litigant parties—they as the accusers and himself as the culprit. What would any of your Lordships, in common life, conceive, if you had a steward, and you accused him of embezzling the rents, robbing and oppressing the tenants, and committing a thousand misdeeds in his stewardship, and you desired an inquiry into his conduct and asked an explanation, and his answer should be—"I will give no reply. You may prosecute me, convict me as a cheat; and therefore I will not give you any satisfaction?" What should you think of that steward? You could have no doubt, in private life, that that steward was a person not fit to be a steward, nor fit to live.

His reserving his defence for a court of justice a proof of his guilt.

Mr. Hastings, therefore, reserves himself for a court of justice. That single circumstance, my Lords, proves that he was guilty. It appears very odd that his guilt should be inferred from his desire of trial in a court in which he could be acquitted or condemned. I shall prove to you from that circumstance that Mr. Hastings, desiring to be tried in a court of justice, convicts himself of presumptive guilt.

When Mr. Hastings went to Bengal, in the year 1772, he had a direction exactly similar to this which he resisted in

his own case, which was, to inquire into grievances and abuses. In consequence of this, he proposes a plan for the regulation of the service; and one part of that plan was just what you should expect from him; that is, a power of destroying every Company's servant, without the least possibility of his being heard in his own defence or taking any one step to justify himself, but dismissing him at his own discretion. And the reason he gives for it is this:— 25 Apr. 1789.

His opinion of the powerlessness of a court to convict under similar circumstances.

"I shall forbear to comment upon the above propositions. If just and proper, their utility will be self-apparent. One clause only in the last article may require some explanation, namely, the power proposed for the Governor of recalling any person from his station without assigning a reason for it. In the charge of oppression"——

Now here is the part in which you will find Mr. Hastings' reason for wishing to appeal to a court of justice rather than to give satisfaction to his employers.

"In the charge of oppression, though supported by the cries of the people and the most authentic representations, it is yet impossible in most cases to obtain legal proofs of it; and, unless the discretionary power which I have recommended be somewhere lodged, the assurance of impunity from any formal inquiry will baffle every order of the Board, as on the other hand the fear of the consequence will restrain every man within the bounds of his duty, if he knows himself liable to suffer by the effects of a single control."

You see, Mr. Hastings himself is of opinion that the cries of oppression of a whole people, from whom these cries are extorted by the iron hand of severity—that these cries of a whole people, attended even with authentic documents sufficient to satisfy the mind of a man, may be totally insufficient to convict him in a court; and yet to that very court, whose competency he denies, to that very court he appeals; in that he puts his trust, and upon that ground he refuses to perform the just promise he had given of an explanation to hose who had employed him.

Application to his own case.

Now, I put this to your Lordships. If a man is of opinion that no court can truly and properly bring him to any account for his conduct; that the forms observable in courts are totally adverse to it; that there is a general incompetency with regard to such courts; when a man shuns a tribunal capable and competent, and applies to one which he thinks incapable and incompetent, does not that man plainly show that he has rejected what he thinks will prove his guilt, and that he has chosen what he thinks will be utterly insufficient? If that is the case with an under ser-

25 Apr. 1789. vant, think what must be the case with the upper servant of all. For, if an inferior servant is not to be brought to justice, what must be the situation of a Governor General? It is impossible not to see that he had conceived that a court of justice had not sufficient means to bring his crimes to light and detection, nor sufficient modes to bring him to proper and adequate punishment; therefore he flew into a court of justice, not as a place to decide upon him, but as a sanctuary to secure his guilt.

Most of your Lordships have travelled abroad, and have seen in the uninformed countries of Europe churches filled with persons who take sanctuary in them. You do not presume that a man is innocent because he is in a sanctuary. You know that it, so far from demonstrating his innocence, demonstrates his guilt. And, in this case, Mr. Hastings flies, not to a court for trial, but to a sanctuary to secure him from it.

The prosecution not attempted in Bengal.

Let us hear how Mr. Hastings has proceeded with regard to this. The court of justice dropped; the whole affair ended. The prosecution in Bengal, with Sir Elijah Impey as Chief Justice—whom your Lordships have seen had a most close and honourable connection with the Governor General, all the circumstances of which I need not detail to you, for it must be fresh in your Lordships' memory—[was not very formidable]. He had not much to fear from the impartiality of such a court: he might be sure the forms of law would not be strained to do him mischief: therefore there was no great terror in it. But whatever terror was in it was overblown; because his colleagues refused to carry him to it; and, therefore, that defence is gone. Then, in Europe, he was afraid of it. It was soon over there, and he takes this as his ground of justification in the House of Commons for not giving that explanation—that the court of Directors had received perfect satisfaction of his innocence; and he named the characters of great and eminent persons in the profession, certainly, whose names cannot be mentioned without highly imposing upon the prejudices of mankind, weighing down almost the reason of mankind—he quotes their opinions in his favour and as a reason why the exculpation that they gave him, or were supposed to give him, should excuse him from any further explanation.*

Mr. Hastings' reliance on an opinion of Counsel, referred to by the Directors, against his prosecution.

* The subject of the proceedings of the Court of Directors in reference to the charge of peculation brought against Mr. Hastings by the majority of the Council of Bengal is considered by the Select Committee of the House of

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My Lords, I believe I need not say to great men of the profession, many of the first ornaments of which I see before me, that they are very little influenced in the seat of judgment by the opinions which they have given in the chamber: and they are perfectly in the right of it; because, while in the chamber, they hear but one part of the cause. It is generally brought before them in a very partial manner, and they have not the lights that they have when they go deliberately down upon the tribunal to examine into it. For which reason, they discharge their own minds from every prejudice that may have arisen from a foregone partial opinion, and come uninfluenced by it as if to a new cause. This we know is the glory of the great lawyers who have presided and do preside in the tribunals of this country. But we know, at the same time, that those opinions which in their own mind they reject, unless supported afterwards by clear and authentic testimony, do weigh upon mankind at least; for it is impossible to separate the opinion of a great and learned man from some consideration of the person who has given that opinion.

Circumstances of the reference of the case to Counsel.

Mr. Hastings being conscious of this, not fearing a tribunal abroad, for the reasons that I gave you, namely, not believing that it was very adverse to him, and knowing that the prosecution had dropped, had but one consideration left, which was, how he should conflict with the tribunal at home. And, as the prosecution must originate from the court of Directors, and must be authorised to them by some great law opinions, the great point with him was, some way or other, by his party—I will not say by what means or circumstances, but by some party means—to secure a strong interest in the executive part of the India House. If that had been used properly and fairly I should not complain of it. I will not say that a friendship and partiality does imply injustice; it certainly does not; but it does not imply justice. The court of Directors took up this affair with great warmth. They committed it to their solicitor. The solicitor would naturally, as most solicitors do, draw up a case a little for the persons who employ him. If there is any leaning—which upon my word I do not

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Commons, appointed in the year 1782, to inquire into the administration of justice in Bengal, Bahar and Orissa, and into the Government of India, in their Ninth Report, page 52; and copies of papers connected with the proceedings are printed in the Appendix to the Report, Nos. 109, 110, 111.

25 Apr. 1789. approve in the management of any cause whatever—yet, if there is a leaning, it is certainly a leaning for the client. Mr. Hastings resolved, if possible, to take care that such a case should be made as would naturally lead the Counsel to give an opinion against the prosecution. Yet the Counsel did not give a decided opinion against the prosecution; but, upon the very face of the case, they expressed great doubts upon it, though at the same time, with such a strange, disorderly, imperfect and confused, case as they considered it to be, they could not advise a prosecution; and, in my opinion, they went no further. And, upon the case that was laid before them, I, who am authorised by the Commons to prosecute, do admit that a great doubt might lie, in the most deciding mind, whether under the circumstances there stated a prosecution could be or ought to be pursued. I do not say which way my mind would have turned upon the very imperfect state of that case; but I still allow enough for the very great ability of great minds and sound judgment upon that case, and I am not sure, if it was *res integra*, that I would not have rather hesitated myself, who am now here an accuser, what judgment to give.

Doubtful character of their opinion against the prosecution.

It does happen that there are very singular circumstances in this case, which your Lordships will advert to, and will consider whether they are proper and reasonable, and what weight they are to have with your Lordships' minds.

Bias of the solicitor of the Company in Mr. Hastings' favour.

The solicitor of the Company at that time was and is a very respectable man in the profession—Mr. Smith. He was at that time the Company's solicitor. He has since appeared in this cause as Mr. Hastings' solicitor. Now there is always something particular that a man, remaining in the same office, should be at once solicitor for the prosecution and for the prosecuted; as odd as if Mr. Hastings' solicitor and ours was the same person, concerned in this prosecution and trial before your Lordships. It is true that we cannot make out, nor do we attempt to make out, that he was at that time actually Mr. Hastings' solicitor. All that we shall attempt to make out is, that the case he produced was just such as a solicitor, anxious for the preservation of his client and not anxious for the prosecution, would have made out.*

* Mr. Smith's report is printed in the Appendix, No. 111 A., to the Ninth Report of the Select Committee on Indian Affairs, presented in the year 1783. His statement of the case respecting the lac and a half of rupees alleged to have been received by Mr. Hastings, with the opinions of Counsel, is printed at the end of his report.

My Lords, I have next to state that the opinion which the Counsel gave in this case, namely, a very doubtful opinion, and with great censure on the manner of stating it—even that opinion was drawn from them by a case in which I charge that there were misrepresentation, suppression and falsification. Now, my Lords, in charging it I am in a very awkward and unpleasant situation, but a situation which, with all the disagreeable circumstances, I must go through with. I am in this business obliged to name many men. I do not name them wantonly, but from the absolute necessity, as your Lordships will see, of the case. I do not mean to reflect upon this gentleman. I believe that, at the time when he made this case, and especially the article which I state as a falsification, he must have trusted to some of the servants of the Company, being but young in their service at that time. There was a very great error committed; but where or how, your Lordships, in the course of this inquiry, will find. But what I charge first is, that the case was improperly stated; that it was partially stated; and that afterwards a report was made upon reference to the same officer in the committee. Now, my Lords, of the charges I have made, the two former, namely, the misrepresentation and suppression, were applicable to the case; but all the three—misrepresentation, suppression and falsification, were applicable to the report. This I say in vindication of the opinions and for the satisfaction of the public, who may be imposed upon by them—I wish the word to be understood. When I say imposed, I always mean a weight and authority carried; which word, perhaps, has not got yet thoroughly into the English language, but, in a neighbouring language, imposing upon people means that it weighs upon their minds with a sovereign authority. And to say that opinions of learned men shall have no weight with this court, or with any court, is a kind of compliment I cannot pay to them, at the expense of our common nature, in which I am involved, as all human beings are.

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Misrepresentations in the case presented to the Counsel.

Falsification of the case in the report upon it.

After stating the covenants and the salary of Mr. Hastings, and his emoluments, very fairly—I do not object to anything of that—he then proceeds in stating, very partially, the business upon which the committee of circuit went, whose conduct everybody knows, and we cannot bring our charge of bribery fully without opening it to your Lordships. He then states,—

"That an enquiry having been made by the Supreme Council of Bengal respecting the conduct of the members of the last administration, several

25 Apr. 1789. charges have been made, stating monies very improperly received by Mr. Hastings during the time of the late administration. Amongst these is one, of his having received 150,000 rupees of Munny Begum, the guardian of the Nabob, who is an infant."

Misstatement as to the one and a half lacs of rupees received from Munny Begum.

In this state of the case everything is put out of its true place. Mr. Hastings was not charged with receiving a lac and a half of rupees from Munny Begum, the guardian of the Nawab; for she was not his guardian. But he was charged with receiving a lac and a half of rupees for removing the Nawab's own mother, who was his natural guardian, and substituting this step-mother, who was a prostitute, in her place. Whereas, here it supposes he found her a guardian, and she had made him a present, which alters the whole nature of the case. It sets out, in that very recital of the case and recital of the charge, with what every one of your Lordships knows now not to be the truth of the fact nor the thing that in itself implies the criminality: he ought to have stated that in the beginning of the business. The suppressions in that recital are amazing. He states "an inquiry having been made by the Supreme Council of Bengal respecting the conduct of the members of the last administration." That inquiry was made in consequence of the charge, and not the charge brought forward, as they would have it believed, in consequence of the inquiry. There is no mention that that inquiry had been expressly ordered by the court of Directors; but it is stated as though it was a voluntary inquiry; and there is always something doubtful in voluntary inquiries with regard to the people concerned. And then he supposes that, upon that inquiry, this was the charge, which is not the charge at all. The crime, as I have stated, consisted of two distinct parts, but both inferring the same corruption—the first, two lacs of rupees taken expressly for the nomination of this woman to this place, and the other, one lac and a half of rupees, in effect for the same purpose, but under the name and colour of an entertainment.

Suppressions in the report.

The evidence on one part of the charge applied to the other part.

The drawer of this case, finding that, in the one case, namely, the two lacs of rupees, the evidence was more weak, but that no justification could be set up; finding in the other, the lac and a half of rupees, the proof strong and not to be resisted, but that some justification was to be found for it, sets aside the charge of the two lacs; and the evidence belonging to it, which was considered as rather weak, is applied to the other charge of the lac and a half, the proof of which upon its own evidence was irresistible.

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My speech I hope your Lordships consider as only pointing out to your attention particulars. Your Lordships will see it exemplified almost through the whole; and afterwards, when there is some evidence—for some evidence is brought that does not belong to the lac and a half—it is entirely passed by, the most material circumstances are weakened, the whole strength and force of them taken away. Every one knows how true it is of evidence *juncta juvant.* All that is broken and smashed to pieces, and nothing but disorder appears through the whole. For your Lordships will observe, that the proof that belongs to one thing is put as belonging to another, and then the other brought in a weak and imperfect manner in the rear of the first, and with every kind of observation, if any at all; which observations are to rebut and weaken it when an evidence is produced which appears inapplicable almost in all the parts, in many doubtful, confused and perplexed, and in some even contradictory —which it will be when the evidence to one thing is brought to apply and bear upon another. In consequence of that, they were in good hopes that should happen which in part did happen—that the Counsel, distracted and confused, and finding no satisfaction in the case, could not advise a prosecution.

Introduction into the Report of Mr. Hastings' invectives against the parties opposed to him, and suppression of their vindication.

But there is a more material and weighty thing still—that this case does in a great degree, and the report still more, while it produces some parts suppress the rest, and, turning from the case to the proceedings of the persons who are supposed to have the management of the inquiry, and leaning upon their character, they adduce and add as an appendix to this case Mr. Hastings' own invectives and charge against these people. At the very same time, they suppress and do not bring forward, either in the charge or upon the report, what the other party have said in their own justification; so that it appears to be a confused, puzzled, inapplicable, body of evidence made for one side of the case, for the most part. I say for the most part, for the rest did apply to the case, but was miserably applied to the case. The consequence of this management was, confounding a body of evidence, in a case capable of being made the clearest in the world, and which I hope we shall, from evidence, make it to your Lordships. From their own state of the case, they would have it inferred that the fault was not in their way of representing it, but in the infirmity, confusion and disorder, of the proofs themselves; which I trust we shall satisfy you

25 Apr. 1789. is by no means the case. But I rest upon the proof of the partiality in this business and the imposition upon the Counsel, whether designed or not—that there is a bias given to it, by adding an appendix with Mr. Hastings' own remarks upon the case, and not giving the reasons of the other parties for their conduct. Now, if there was nothing else than this fallacious recital and afterwards this suppression, I believe any rational and sober man would see perfect, good and sufficient, ground for laying aside any authority derived from the opinions of persons of the first character: and I am sure no man living does more homage to their learning, impartiality and understanding, than I do.* First, because the state of the case has thrown the whole into confusion; [and secondly,] because the matter added as an appendix is giving the representation of the delinquent and refusing the representation of his prosecutors; and, therefore, it is observed very properly and very wisely by one of the great men before whom this evidence was laid—"The evidence, as it is here stated, is still more defective. If the appendix is adopted by the Directors, and meant to make a part of the case, that throws discredit upon all the information so collected." Certainly it does; for if you hear the delinquent party, who is to be prosecuted, and annex his own representation of the case and not that of those against him, he is master of the mind of the lawyers, and it must weigh upon the mind of mankind.

Reflections on the Company's conduct of its prosecutions.

My Lords, I have here only attempted to point out the extreme inconsistencies and defects of this proceeding; and I wish your Lordships to consider what the proceedings of the India House are in their prosecutions—that it is in the power of some of their officers to make statements in the manner that I have described, then obtain the names of great lawyers, and, under their sanction, to carry a man through the world as acquitted.

These are the material circumstances which will be submitted to your Lordships' sober consideration in the course of this inquiry. I state them for these two reasons:—first, to rebut the reason which Mr. Hastings has assigned for not giving any satisfaction to the court of Directors, because they did not want it, having dropped a prosecution upon

* The Counsel to whom the case was referred were the Attorney General, afterwards Lord Thurlow, Sir Alexander Wedderburn, Solicitor General, afterwards Lord Loughborough, Mr. Serjeant Adair, afterwards Recorder of London, Mr. Dunning, afterwards Lord Ashburton, and Mr. Sayer.

great authorities and opinions; and next, to show your Lordships how a business, begun in bribery, is to be supported only by fraud, deceit and collusion,—and how receiving a bribe by a Governor General of Bengal tends to taint the whole service, from beginning to end, both at home and abroad. 25 Apr. 1789.

It is true that, upon the case that was presented to them, those great lawyers did not advise a prosecution; and when you take the opinion of a lawyer upon a full representation of a case, he may think that a man ought not to be prosecuted, yet he may consider him to be the vilest man upon earth. We know men are acquitted in the great tribunals in which several Lords of this country preside, and who perhaps ought not to be brought there and prosecuted before them, and yet about whose general delinquency of character there could be no doubt. Here then there is a new and additional reason to justify the great lawyers whose names and authorities are produced, and by himself extended beyond the length of their opinions. Then, being no longer under the terror of the law, which he said restrained him, he was bound to give that satisfaction to his masters and the world which every man in honour is bound to give when a grave accusation is brought against him. That business of the law from this moment I wish to sleep, till the time it comes before you. I do suspect and have reason, sitting in committees in the House of Commons, to believe that there was then in the India House a body of iniquity, some where or other, which was capable of imposing upon the solicitor; the guilt of which could not be his, because that is of another nature, which I shall state hereafter, that your Lordships may be able to discover through whose means and whose fraud Mr. Hastings obtained these opinions. If the report were truly stated, the opinions of mankind undoubtedly must go with it. If all the great lawyers had been unanimous upon that occasion, then it became necessary for him to say:—"I cannot, according to my own opinion, be brought to give an account in a court of justice. I have got great lawyers to declare that, upon the case that is laid before them, they cannot advise a prosecution." Then is the time for a man to come forward and, when no longer in fear that his defence may be turned against him, then to produce his defence for the satisfaction of his masters and the vindication of his own character.

Obligation on Mr. Hastings, on withdrawal of the prosecution, to clear himself to the Directors.

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But, notwithstanding the high honour that I have for some of those persons who gave that doubtful opinion—for I believe your Lordships will find it no better than a doubtful opinion, with a great censure upon the state of the case—yet there were some great lawyers, men of great authority in the kingdom, who gave a full and decided opinion that a prosecution ought to be instituted against him. But the court of Directors decided upon it: they overruled those opinions, and acted upon the opinions in favour of Mr. Hastings. Therefore, when he knew that the great men in the law were divided upon the propriety of a prosecution, he was bound to enter into a justification of his conduct. But there was one other great reason to do it, because one great lawyer, known to many of your Lordships—Mr. Sayer—a very honest, intelligent man, who long served the Company and well knew their affairs—had given an opinion concerning Mr. Hastings' conduct in stopping these prosecutions. There was an abstract question put to Mr. Sayer and other great lawyers, separated from many of the circumstances of this business, concerning a point which incidentally arose; which was, whether Mr. Hastings, as Governor General, had a power so to dissolve the Council that, if he declared it dissolved, they could not sit and do any legal and regular act. It was a great question with the lawyers at the time, and there was a difference of opinion on it. Mr. Sayer was one of those who were inclined to be of opinion that the Governor General had a power of dissolving the Council, and that the Council could not legally sit after such dissolution. But what was his remark?—and you must suppose his remark of more weight, because, upon an abstract question, he had given his opinion in favour of Mr. Hastings' judgment:—

Opinion of Mr. Sayer upon Mr. Hastings' conduct.

"First, the meeting of the Council depends on the pleasure of the Governor, and I think the duration of it must do so too; but it was as great a crime to dissolve the Council upon base and sinister motives as it would be to assume the power of dissolving if he had it not. I believe he is the first Governor that ever dissolved a Council inquiring into his behaviour, when he was innocent. Before he could summon three Councils and dissolve them, he had time fully to consider what would be the result of such conduct—to convince every body beyond a doubt of his conscious guilt."*

* "Opinions of Counsel as to the Dissolution of the Council of Bengal:" printed in Appendix M. to the Eleventh Report of the Select Committee appointed to take into consideration the state of the administration of justice in the provinces of Bengal, Bahar and Orissa, 1783.

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Contains imputations of sinister motives.

Then Mr. Sayer, among other learned people—and, if he was not the man which I have described him, yet from his intimate connection with the Company he must be supposed to have a great weight—using expressions as strong as the persons who have ever criminated Mr. Hastings most, for the worst of his crimes, have ever used to qualify and describe them—that it was upon base and sinister motives—Mr. Hastings was bound upon that occasion to justify that strong conduct, allowed to be legal and charged at the same time to be violent. He was obliged to produce something in his justification. He never did. Therefore all the reasons assigned by himself, drawn from the circumstance of prosecution and non-prosecution, drawn from opinions of lawyers and colleagues, the court of Directors censuring his conduct and strongly applauding the conduct of those who were adverse to him—Mr. Hastings was, from these accumulated circumstances, bound to get rid of the infamy of the conduct which could be attributed to nothing but base and sinister motives, and which could have no effect but to convince persons of his consciousness that he was guilty. From these circumstances I infer that no man could have endured this load of infamy, and to this time have given no explanation of it, upon the reasons he gives, of reserving himself for a prosecution, and then making none because there was no prosecution—nothing could account for it, but that reason which this learned Counsel gives, which your Lordships and which the world will give, namely, his conscious guilt. After mentioning and leaving to your own minds that presumption, not as operating without proof but as operating along with the proof—for I take it there are some presumptions that go the full length of proof—I do not press that to the length to which I think it would go, but leave it to be auxiliary, assisting, and compurgatory of all the other parts that go along with it.

Presumption of his guilt from silence under suspicion.

There is a circumstance which must come before your Lordships in this business. If you find that Mr. Hastings has received the two lacs of rupees, then you will find that he was guilty, without colour or pretext of any kind whatever, of acting in violation of his covenant, acting in violation of the laws and all the rules of honour and conscience. But if you find that he has taken the lac and a half, which he admits and which is justified under the

Attempted justification of the receipt of money as a present for entertainment.

25 Apr. 1789. pretence of an entertainment, I shall beg to say something to your Lordships concerning that justification.

Suppose the justification set up is that it was given as a custom of entertainment; that he went up from Calcutta and paid a visit of three months, and that there an allowance was made to him of 200*l.* a day, in lieu of an entertainment. Now, my Lords, I leave it to you, if there was such a custom, whether or no his covenant justifies his conformity with it. I remember Lord Coke, talking of the Brehon law in Ireland, says it is no law but a lewd custom. A governor is to conform himself to the laws of his country, to the stipulations of those that employ him, and not to the lewd customs of any country. Those customs are "more honoured in the breach than in the observance." If Mr. Hastings was really feasted and entertained with the magnificence of the country; if there was an entertainment of dancing girls brought out to amuse him in his leisure hours; if he was feasted with the hooka and every other luxury; there was something to be said for him, though I should not justify a Governor General wasting his days in that manner; but here was no entertainment which could amount to such a sum. In the first place, he has nowhere proved the existence of such a custom. But, if such a custom did exist, which I contend is "more honoured in the breach than in the observance," that custom is capable of being abused to the grossest extortion, and it will strike your Lordships' minds in such a manner, that I hardly need detail it. What! 200*l.* to be given to a man for his entertainment? If there is an end of it there it ruins nobody, and cannot be supposed to a great degree to corrupt anybody. But when that entertainment is renewed day after day for three months, it is no longer a compliment to the man, but a great pecuniary advantage; and, on the other hand, to the person giving it, a grievous and intolerable burden. It then becomes a matter of the most serious and dreadful extortion, tending to hinder the people who give it, not only from giving entertainment, but from having bread to eat themselves. Therefore, if it was such an entertainment, that entertainment was perverted by the use of it—by being continued for three months together. It is longer than Ahasuerus' feast. There is "a feast of reason and a flow of soul," but Mr. Hastings' feast was a feast of avarice and a flow of money. No wonder he was unwilling to rise from such a table. He continued to sit at

Abuse of the custom in the present instance.

that table for three months. In his covenant he is forbidden expressly to take any allowance, not only gifts—bribes—he is forbidden to take any allowance above 400*l.*, and forbidden to take any allowance above 100*l.* without the knowledge, consent and approbation, of the Council to which he belongs. Now he takes 16,000*l.*, not only without the consent of the Council, but without their knowledge, without the knowledge of any human being. It is kept hid in the darkest and most secret recesses of his own black agents and confidants and those of Munny Begum. Why is it a secret? Hospitality, generosity, virtues of that kind, are full of display. There is an ostentation, a pomp, in them; they want to be shown to the world, not concealed. The concealment of acts of charity is the thing that makes them acceptable in the eyes of Him with regard to whom there can be no concealment; but acts of corruption are kept secret, not to keep them secret from that eye which the person who observes the secrecy does not fear nor believe, perhaps, but to keep them secret from the eyes of mankind, whose opinions he does fear, in the immediate effect of them and in their future consequences. Therefore he had but one reason to keep this so dark and profound a secret, till it was dragged into day in spite of him. He had no reason to keep it a secret, but knowing it was a proceeding that could not bear the light. Charity is the only virtue I ever heard of that derives from its retirement any part of its lustre; the others require to be spread abroad in the face of day, that such candles should not be hid under a bushel, but, like the illumination which men light when they mean to express great joy and great magnificence for a great event, the very splendour of them is a part of their excellence. We, upon our feasts, light up this whole capital city; we, in our feasts, invite all the world to partake them. Mr. Hastings feasts in the dark: Mr. Hastings feasts alone: Mr. Hastings feasts like a wild beast. He growls in the corner over the dying and the dead, like the tigers of that country who drag their prey into the jungles. Nobody knows of it till he is brought into judgment for the firstlings of the flock he has destroyed. This is the entertainment of Tantalus; it is an entertainment that the sun turns black at.

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Prohibition of receipt of presents by the Company's covenants.

Concealment of the present.

When I tell your Lordships that it was the custom of entertainment upon a visit, was Mr. Hastings upon a visit? No: he was executing a commission for the Company in a

Mr. Hastings not entitled to entertainment as being upon a visit.

25 Apr. 1789. village in the neighbourhood of Moorshadabad, and by no means upon a visit to the Nawab. On the contrary, he was upon something that might be more properly called a *visitation.* He came as a heavy calamity, like a famine or pestilence in a country. He came there to do the severest act in the world; as he himself expresses it, to take the bread—literally the bread—from above a thousand of the nobles of the country, and reduce them to a situation which no man can hear of without shuddering. When you combine these circumstances, that, while he was entertaining himself he was famishing fourteen hundred of the nobility and gentry of the country, you will not conceive that to be any extenuation of his crimes—that he was there, not upon a visit, but upon a duty, the harshest that could be executed, both to the persons who executed and the people who suffered it.

Answer to the plea that the present covered charges which he might have thrown on the Company.

But it is mentioned and supposed by the observations upon this case, though the circumstances of the persons, or the nature of the visit, are not stated, that it was something which he might have charged to the Company, and did not. First, it was supposed by that learned Counsel very justly that it was a public, allowed and acknowledged, thing; then, that he had not charged the Company anything for it. I have looked into that business. In the first place, I see no such custom. And, if there was such a custom, here was the most abusive misemployment of it that ever was known. I find, that, in that year, there was paid from the cash to the Governor's travelling charges—and he had no other journey at that end of the year—30,000 rupees, which is about 3,000*l.*; and, if we consider that he was in the receipt of near 30,000*l.*, besides the nazrs, which amount to several thousands a year, when he is allowed 3,000*l.* by the Company for his travelling expenses, is it right to charge upon the miserable people, whom he was defrauding of their bread, 16,000*l.* for his entertainment? I find that, besides, there are other great sums relative to the expenses of the committee of circuit he was with: how much more of them are applicable to him I know not. I say that the allowance of 3,000*l.* was noble and liberal; for it was not above a day or two's journey to Moorshadabad, and by his taking his road by Kishnagur [he could not be longer]. He had a salary, upon which he must live somewhere. He was actually paid 3,000*l.* for travelling

3,000*l.* charged for travelling expenses.

charges for three months, which amounts to 12,000*l.* a year—a large and an abundant sum. But, if you once admit that a man for an entertainment shall take 16,000*l.*, there never will be any bribe, any corruption, that is not to be justified. The corrupt man has nothing to do but to make a visit, and then, that very moment, he may receive any sum under the name of this entertainment: that moment his covenants are annulled, his bonds and obligations destroyed, the Act of Parliament repealed, and it is no longer bribery, it is no longer corruption, it is no longer peculation, it is nothing but thanks for obliging inquiries and a compliment, according to the mode of the country, by which he makes his fortune. 25 Apr. 1789.

What hinders him from renewing that visit? If you support this distinction, you will teach the Governor General, instead of attending his business at the capital, to make journeys through the country, putting every great man of that country under the most ruinous contributions: and, as this is not a custom confined by any manner of means to the Governor General, but extended, as it must be upon that principle, to every servant of the Company, in any station whatever, then, each of them receiving an entertainment, I will venture to say that the greatest ravage of a hostile army could not destroy the country more than the Company's servants, under the name of an entertainment. Danger of encouraging presents for entertainment.

Your Lordships will see that there is another entertainment, at the expense of another lac of rupees, not supported with the same evidence, but with a great probability of evidence; and the great probability is that he received two lacs of rupees, and Mr. Middleton another lac. I say, the whole of the Nawab's revenues would have been exhausted by these two men, if they had staid there a whole year, and they staid three months. If this is the case under these names under every pretence that may be got from a corrupt custom of the country, there will be nothing left in the pockets [of the people], and nothing secured from the Company's servants, so long as they can find a vicious excuse for any corrupt practice. The excuse is worse than the thing itself. I leave it there with your judgment, to know whether you will or not —if this justification comes before you—establish a principle which would put all Bengal in a worse situation than a hostile army could do, and ruin all the Company's servants, by sending them from their duty to go round robbing the whole country under the name of an entertainment.

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Recapitulation.

My Lords, I have done with this first part, namely, the presumption arising from his referring to a court of justice, and [not] giving satisfaction to his employers; and, when that pretence was removed, still refusing that satisfaction, suffering under the load of infamy and obloquy of the grossest kind, urged as he was to give that satisfaction by persons of the greatest character. I state that to your Lordships as the strongest presumption of guilt. Then the very excuse he has fabricated for a part of his bribes, when he knew that the proof of them was irresistible, I state that it is a high aggravation—that it does not stand with law—that it does not stand with reason—that it does not stand with his covenant. It carries with it manifest proof of corruption, and impossibility of being justified by any principle, custom or usage, whatever. My Lords, I have done with the presumption after the fact, arising from his own conduct, and with regard to that specific charge made upon him, and with respect to the relation he stood in to the court of Directors. I have then taken notice of the pretence he set up to justify it. I believe your Lordships will think both one and the other strong presumptions of the crime, and of his knowledge that the act he was doing was criminal.

Further grounds for presumption of criminality.

I have another fact to lay before your Lordships, which affords a strong presumption and which will show the mischievous consequences of all this; and your Lordships will not blame me for going a little into it. Your Lordships know that the charge made was, that the appointment of such a woman as Munny Begum to the guardianship of the Nawab, to the superintendency of the civil justice of the country, and the representation of the whole government—that appointment could be made for no other purpose than, through that corrupt woman, of putting the whole government of the country and giving the whole tattered remains of the Nawab's grandeur—the 160,000*l.* a year—to be a prey to Mr. Hastings: it could be no other. But then your Lordships would imagine that after this, knowing he was grievously suspected of that, he would have abstained from giving ground any more for suspicion. But a repetition of the same acts, through the same person, could furnish no other reason than that, as he did the same acts by the same person, directly contrary to the order of his superiors, he must have been actuated by the influence of bribery. Your Lordships would imagine that, when this Munny Begum was removed upon the charge of corruption,

25 Apr. 1789.

Mr. Hastings had left her quiet, in tranquil obscurity, and that he had no longer attempted to elevate her into a situation which furnished so much disgrace and obloquy to himself, and concerning which he stood charged with a direct and positive act of bribery. Your Lordships must well know that it was upon the deposition of that great magistrate, Mohammed Reza Khan, that this woman was appointed to supply his place. The Governor General and Council—the majority of them being then Sir John Clavering, Colonel Monson and Mr. Francis—were able only to make for some time a provisional arrangement, until they were authorised to fill up the place in a proper manner. Soon after, there came from Europe a letter, expressing the satisfaction that the court of Directors received in the acquittal of Mohammed Reza Khan; expressing a regard for his character, a high opinion of his abilities, and a great disposition to make him some reward for his extreme sufferings: and, accordingly, they ordered that he should be employed. They had no idea exactly of the state of employment, and they made a mistake in the specific employment they ordered him to be named for. He, being a Mohammedan and the head of the Mohammedans in that country, was named to an office which must be held by a Gentu. But the majority, who never endeavoured by any base and delusive means to fly from their duty, or not to execute it, because they were desired to execute it in a way in which they could not execute it, followed the spirit of the order, and having found that Mohammed Reza Khan, before his being tried and imprisoned in the way that he was, was in possession of that employment—that the Directors expressed a high opinion of him—they followed the spirit of the instruction of the Directors and replaced him in that employment: by which means there was an end to the government of Munny Begum; the country reverted to its natural state, and men of the first rank were put in the first situation in it: the seat of judicature was filled with wisdom, gravity and learning: and Munny Begum sank into that situation that a woman, who had been engaged in the practices she had, naturally would, at a time of life when attention does not confer so much honour.

Order of the Directors for the employment of Mohammed Reza Khan.

His restoration by the majority of the Council to his former office.

Mr. Hastings resisted this appointment; he trifled with the Company's orders. On account of the letter of them he disobeyed the spirit. He resisted the order of the court of

Opposition of Mr. Hastings to the appointment.

25 Apr. 1789. Directors. However the majority overbore him. They put Mohammed Reza Khan into that situation, and gave a seal and proof to the honour and virtue of their character, as there was not a breath of suspicion that they could have any corrupt motive for it. They were odious to many of the India House here. They were odious to that corrupt influence which had begun and was going on to ruin that country. They appointed Mohammed Reza Khan to that place, because the act contained in itself its own justification. But Mr. Hastings, who made a violent protest against it, resisted it to the best of his power, always in favour of Munny Begum, as your Lordships will see. Mr. Hastings sent his protest to the Directors. However the Directors, as soon as the case came before them, acknowledged their error and praised the majority of the Council, Sir John Clavering, Colonel Monson and Mr. Francis, for the wise and honourable part they had taken upon the occasion, for obeying the spirit and not the letter; commended the act they had done; confirmed Mohammed Reza Khan in his place, and, that that great man should be no longer the sport of fortune, no longer the play of avarice between corrupt Governors and dancing girls, they gave him the pledged faith of the Company that he should remain in that office as long as his conduct deserved their protection. It was a good and an honourable tenure.

Confirmation of it by the Directors.

Deposition of Mohammed Reza Khan by Mr. Hastings.

My Lords, there happened two lamentable deaths—first, of Colonel Monson, then of General Clavering. Then Mr. Hastings got himself loose. There was an inspection and a watch upon his conduct, and no more. He was then just in the situation in which he had stood in 1772. What does he do? Even just what he did in 1772. He deposes Mohammed Reza Khan, notwithstanding the Company's orders, notwithstanding their pledged faith. He turns him out, and makes a distribution of two lacs and a half of rupees, the salary of that great magistrate, in the manner I will show your Lordships. He made an arrangement consisting of three main parts: the first was with regard to the women, the next with regard to the magistracy, the last with regard to the officers of state of the household.

Distribution of his salary to Munny Begum and others.

The first person that occurred to Mr. Hastings was Munny Begum, and he gave her—not out of the Nawab's allowance, which was to support the seraglio, but out of the allowance of this very magistrate, as if such a thing had

been done out of the salary of a Lord Chancellor or a Lord Chief Justice—out of these two lacs and a half of rupees, that is, about 24,000*l.* or 25,000*l.* a year, he ordered an allowance to be made to Munny Begum of 72,000 rupees *per annum*, or 7,200*l.* a year; for the Nawab's own mother, whom he thrust as usual into a subordinate situation, he made an allowance of 3,000*l.*; to the Sadr-al-Hak Khan, which is, translated into English, the Lord Chief Justice, he allowed the same that he did to the dancing girl—which was very liberal in him, I am rather astonished to find it: he allowed him 7,200*l.* a year. 25 Apr. 1789.

And who do you think was the next officer he appointed? It was the Raja Goordass, the son of Nundcomar, whose testimony upon this occasion he has attempted, both before and since, to weaken; yet he made that compensation to the manes of the father by putting the son into this employment, with about 6,000*l.* a year. And in this manner he distributes, with a wild and liberal profusion, between magistrates and dancing girls, the whole spoil of Mohammed Reza Khan, notwithstanding the Company's direct and positive assurance to him. Appointment of Raja Goordass, son of Nundcomar, to office.

Then you find the whole in the hands of this dancing girl, as it was before, for the same purpose of putting the miserable Nawab's whole family into her hands. And, that the fund might be large enough, he did not take the money for this dancing girl out of the Nawab's revenue, of which he and the dancing girl had the private disposal between them, but the salary to the office of naib subahdar was paid by the Company. There was some little addition to it, but that is of no consequence. The Nawab's family placed under the control of Munny Begum.

Now upon what pretence did he do all this? It was represented by the Nawab to Mr. Hastings that he was now of age; that he was an independent sovereign prince; that, being independent and sovereign in his situation, and being of full age, he had a right to manage his own concerns himself, and therefore he desired to be admitted to that management. Why, my Lords, ostensibly, and supposing that he was this independent prince, and that the Company had no authority over him or had never exercised any authority over him through Mr. Hastings, there might be a good deal said for it. But what was the real state of the case? The Nawab was a puppet in the hands of Mr. Hastings and Munny Begum, and he was obliged, upon producing the The Nawab desirous to manage his own affairs. The Nawab a puppet in Mr. Hastings' hands.

25 Apr. 1859. correspondence, to confess that she was the whole view and end of it.

Letter of the Nawab, praying to be placed under the guardianship of Munny Begum.

I think, [and] your Lordships will, so extraordinary a correspondence, wherein a son is made to petition in his own name for the elevation of a dancing girl, his step mother, above himself and everybody else, is such a curiosity as I believe is not to be found in the state correspondence of the whole world. The Nawab begins thus,—

"The excellency of that policy, by which her highness the Begum" —meaning Munny Begum—"may her shadow be far extended, formerly, during the time of her administration, transacted the affairs of the Nizamut in the very best and most advantageous manner, was, by means of the delusions of enemies disguised under the appearance of friends, hidden from me. Having lately seriously reflected on my own affairs, I am convinced that it was the effect of maternal affection, was highly proper and for my interest, and that, except the said Begum is again invested with the administration, the regulation and prosperity of this family, which is in fact her own, cannot be effected; for this cause, from the time of her suspension till now, I have passed my time, and do so still, in great trouble and uneasiness. As all affairs, and particularly the happiness and prosperity of this family, depend on your pleasure, I now trouble you, in hopes that you likewise concurring in this point will be so kind as to write in fit and proper terms to her highness the Begum, that she will always as formerly employ her authority in the administration of the Nizamut and the affairs of this family."*

This letter, my Lords, was received upon the 23d of August. By this letter your Lordships observe two things; that, some way or other, this Nawab had been, as the fact was, desirous of being released from this subjection; but now he has got new lights: all the mists are gone, and he now finds that she is the fittest person to govern not only him, but the whole country. This young man, who is stated, and never denied by Mr. Hastings and Lord Cornwallis, and all the rest of the world who know him, to be quite an insufficient man, begins to be charmed with the excellency of the policy of Munny Begum. But, though this letter was received upon the 25th of August, yet such is his violent impatience, his impossibility of existing an hour but under the government of Munny Begum—he had really the impatience of a lover—he writes again in five days; so impatient, anxious, jealous, is this young man to be put under the government

Second letter to the same effect.

* Printed in the Appendix to the Fifth Report of the Select Committee appointed to take into consideration the state of the administration of justice in the provinces of Bengal, Bahar and Orissa, 1782, No. 6.

of an old dancing woman. He is afraid Mr. Hastings will imagine that some sinister influence prevailed upon him in so natural and proper a request. He says,— 25 Apr. 1789.

"Knowing it for my interest and advantage that the administration of the affairs of the Nizamut should be restored to her highness the Munny Begum, I have already troubled you with my request that, regarding my situation with an eye of favour, you will approve of this measure. I am credibly informed that some one of my enemies, from selfish views, has, for the purpose of oversetting this measure, written to you that the said Begum procured from me by artifice the letter I wrote you on this subject: this causes me the greatest astonishment. Please to consider that artifice and delusion are confined to cheats and impostors, and can never proceed from a person of such exalted rank—who is the head and patron of all the family of the deceased Nabob my father; and that to be deluded, being a proof of weakness and folly, can have no relation to me—except the inventor of this report considers me as void of understanding, and has represented me to the gentlemen as a blockhead and an idiot. God knows how harshly such expressions appear to me, but, as the truth or falsehood has not yet been fully ascertained, I have therefore suspended my demand of satisfaction. Should it be true be so kind as to inform me of it, that the person may be made to answer for it."*

My Lords, a very proper demand here. The Nawab is astonished at the suspicion that such a woman as Munny Begum should be capable of deluding any body—whose trade in youth had been delusion. Astonishing it certainly was that a woman who had been a deluder in youth should be suspected to be the same in old age, and that he, a young man, should be subject to artifice. "They must suspect me to be a great blockhead if a man of my rank is to be deluded." There he forgot that it is the unhappy privilege of great men to be cheated, to be deluded, much more than other persons. But he thought it so impossible in the case of Munny Begum that he says,—"produce me the traitor that could suppose it possible for me to be deluded, when I call for this woman as the governor of the country: I demand satisfaction." I rather wonder that Mr. Hastings did not inform him who it was that had reported so gross and improbable a tale, and deliver him up to the fury of the Nawab.

Another letter of the Nawab.

Mr. Hastings is besieged by him; for he receives another letter upon the 3rd of September. Here are four letters, following one another quick as post expresses with horns.

* Printed, as above, No. 6 (T.).

25 Apr. 1789. sounding before them. "Oh! I die, I perish, I sink, if Munny Begum is not put into the government of the country. I therefore desire to have her put into the government of the country."

"I am hopeful that you will not keep me longer in this painful suspense, but will be kindly pleased to write immediately to the Munny Begum that she take upon herself the administration of the affairs of the Nizamut, which is in fact her own family, without the interference of any other person whatever. By this you will give me complete satisfaction."*

Here is a state correspondence more like an amorous correspondence than I believe ever was known in the world. What is this man so eager—what in such a rage about? What?—that he cannot endure the smallest delay of the post with common patience? Why, lest this old woman—who is not his mother and who had no tie of blood—should not be made mistress of himself and the whole country. Accordingly, in a very few months afterwards, he comes to be appointed by Mr. Hastings to the government himself, and you may easily judge by the preceding letter who was to govern. It would be an affront upon your Lordships' judgment to attempt to prove who was to govern, after he had desired to put the whole government of affairs into the hands of Munny Begum. Now, Munny Begum having been vested with this authority, having obtained the salary, having been the total and entire governor of the country, as I prove by the Nawab's letter, let us see the consequences of it: and then I desire to know whether your Lordships can believe that all this haste—which in fact is Mr. Hastings' haste and impatience, for we shall prove that the Nawab never did or could take a step, but by his immediate orders and directions—whether your Lordships can believe that Mr. Hastings would suffer the odium of all this, unless he had some corrupt consideration.

Munny Begum invested with supreme authority.

Complaint by the chief justice of the Nawab being under evil influence.

My Lords, very soon after this appointment was made, consisting of Munny Begum at the head of the affairs, the Lord Chief Justice under her and under her direction, and Raja Goordass as steward of the household, the first thing we hear was just what your Lordships expect to hear upon such a case—that this unfortunate Chief Justice, who was

* Printed, as above, No. 6 (U.), and in the "Minutes of the Evidence," p. 1082.

a man undoubtedly of but poor, low, disposition, but I believe a perfectly honest, perfectly well intentioned, man, found it absolutely impossible for him to execute the government under the direction of Munny Begum; and, accordingly, in the month of September after the nomination, he sends a complaint to Mr. Hastings,— 25 Apr. 1789.

"That certain bad men had gained an ascendancy over the Nawab's temper, by whose instigation he acts."

After complaining of the slights he received from the Nawab, he adds,—

"Thus they cause the Nabob to treat me sometimes with indignity, at others with kindness, just as they think proper to advise him. Their view is, that, by compelling me to displeasure at such unworthy treatment, they may force me either to relinquish my station or to join with them, and act by their advice, and appoint creatures of their recommendation to the different offices, from which they might draw profit to themselves."*

The influence alluded to that of the eunuchs of Munny Begum

Then he immediately follows that with another letter, to show who those corrupt men were that had gained the ascendency over the Nawab's temper—namely, the eunuchs of Munny Begum—one of them her direct instrument in the bribery with Mr. Hastings; and accordingly he did what you would expect from such a man. Everything in judgment was confounded; all the offices destroyed; and there was nothing but a scene of forgery, peculation and knavery, of every kind and description, prevailing through the country, and totally disturbing all order and justice in it.

"The Begum Ministers before my arrival, with the advice of their Counsellors, caused the Nabob to sign a receipt; in consequence of which they received at two different times near 50,000 rupees, in the name of the adawlut, fouzdarry, &c., from the Company's circar; and, having drawn up an account current in the manner they wished, they got the Nabob to sign it, and then sent it to me."

In the same letter he asserts,—

"That these people have the Nabob entirely in their power."†

My Lords, here he enables the corrupt eunuchs of this wicked old woman to draw upon the Company's treasury at their pleasure, under forged papers of the Nawab, for just

* Extract from letter of the Sadr-al-Hak Khan, quoted in a Minute of Mr. Francis, 15th December, 1779.—Printed in the Fifth Report of the Select Committee, Appendix No. 6 (E.A.).

† Printed as above.

25 Apr. 1789. such moneys as they please, under the name and pretence of giving it to the officers of justice, but which they distribute among themselves as they think fit. This was the effect in the interior part of the country. But that complaint was soon followed by another, the consequence of which will let you see two things, which are the strongest presumptive proofs of the corrupt motives of Mr. Hastings, and then the horrible mischievous effects upon the country. In consequence of this first complaint, Mr. Hastings sends to this independent Nawab that he should not dare to concern himself any longer with the faujdari. The Nawab, who had before declared that all the offices were his own, and to be executed by himself and under his orders, instantly obeys Mr. Hastings, and declares he will not interfere in the business of the courts any more. Your Lordships will observe further, that the complaint is not against him but against the creatures and the menial servants of Munny Begum; and yet it is the Nawab he forbids to interfere in this business. Of the others he takes no notice; but, when the whole country was fallen into confusion, under the administration of this woman and under her corrupt ministers—men base-born and employed in the basest offices—men of the household train of the women in that country are of that description—he writes to the Nawab again, and confesses himself the mischiefs that arose from his corrupt arrangements. This is a strong proof of the effect of Mr. Hastings' corrupt dealings with this woman.

Order from Mr. Hastings to the Nawab not to interfere with the faujdari.

General corruption in the country under the administration of the Begum.

Letter of Mr. Hastings, describing the state of the country.

"At your Excellency's request, I sent Sudder ul Hac Khan to take on him the administration of the affairs of the adawlut and fouzdarry, and hoped by that means, not only to have given satisfaction to your Excellency, but that, through his abilities and experience, these affairs would have been conducted in such manner as to have secured the peace of the country and the happiness of the people. And it is with the greatest concern I learn that this measure is so far from being attended with the expected advantages that the affairs both of the fouzdarry and adawlut are in the greatest confusion imaginable, and daily robberies and murders are perpetrated throughout the country. This is evidently owing to the want of a proper authority in the person appointed to superintend them. I therefore addressed your Excellency on the importance and delicacy of the affairs in question, and of the necessity of lodging full power in the hands of the person chosen to administer them: in reply to which your Excellency expressed sentiments coincident with mine. Notwithstanding which, your dependants, and people actuated by selfish and avaricious views, have by their interference so impeded the business as to throw the whole country into a state of confusion, from which nothing can retrieve it but an unlimited power lodged in the hands of the superintendent. I therefore request that your Excellency will

give the strictest injunctions to all your dependants, not to interfere in any manner, with any matter relative to the affairs of the adawlut and fouzdarry, and that you will yourself relinquish all interference therein, and leave them entirely to the management of Sudder ul Hac Khan. This is absolutely necessary to restore the country to a state of tranquillity."* 25 APR. 1789

My Lords, what evidence do we produce to your Lordships of the consequence of Mr. Hastings' corrupt measures? His own. He gives you the state of a country by the criminal interfering of the wicked woman whom he had established in power in that place, totally superseding the justice of the country, and throwing everything into confusion. As usual, thank God! there is such irregularity in his conduct, his crimes are so multiplied, that all the contrivances of ingenuity are unable to cover them, and now and then he comes and betrays himself. And here he tells you his own weakness, and the effects of his own corruption. He had appointed Munny Begum to this power; he dare not say a word to her, but he lays the whole upon the Nawab. When the Chief Justice complains that these crimes were in consequence of the favour of Munny Begum and her creatures—these crimes which Mr. Hastings, by means of this wicked woman, was carrying on—why did he not say to the Nawab—"The Begum must not interfere; the Begum's eunuch must not interfere!" He dare not: because that woman had concealed all the bribes but one from the public notice, to gratify him. She had it in her power to discover the whole, [she] and Yatibar Ali Khan, her minister, who had the principal share in this destruction of justice and perversion of all the principal functions of government. Mr. Hastings was obliged, in consequence of that transaction, to support her and support him. He had every principle; for he bought a mercenary silence to pay them. It was a wicked silence—the concealing their common guilt: and you will see what use he makes of the evidence of Yatibar Ali Khan for concealing their guilt, and of this woman for concealing it. There is a corrupt gratitude at once operating a corrupt influence—a corrupt fear influencing at once upon the mind of Mr. Hastings, and which did not enable him to put an end to this scene of disorder and confusion, bought at the expense of 24,000*l.* a year to the Company.

Mr. Hastings induced by fear of disclosure of his bribes to support the Begum.

Your Lordships will observe that that virtuous majority, whose reign was but short, and who died of grief

Exact account kept by Moham-

* Quoted in Mr. Francis' Minute, and printed as above.

25 Apr. 1789. — med Reza Khan, by order of the majority of the Council.

and vexation under all the impediments that they met with from Mr. Hastings, who was indirectly the shedder of their blood by the corruptions and oppositions they met with—it is known to the world very well that they broke their hearts—put their conduct out of suspicion, for they ordered an exact account to be kept by Mohammed Reza Khan, who certainly, if any person in the country could be trusted upon his word and character, might be trusted. But they did not trust him, because they knew the Company did not suffer them to trust any man. They ordered an exact account to be kept by him of the Nawab's expenses, which finally must be the Company's expenses. They ordered the account to be sent down yearly, to be controlled, if necessary, that the means of control might exist.

No account required of Munny Begum by Mr. Hastings.

What was Mr. Hastings' conduct? He did not give them any order to produce any account, though their character and circumstances were such as made an account ten thousand times more necessary from them than from those from whom it had been in former times by the Company strictly exacted. So that his not ordering any account of the money to be laid out leaves no doubt that, in his appointing Munny Begum, he went back to his old bribes—that he continued her for the purpose of robbing the country; he continued these practices to the ruin of the justice of the country.

Censure by the Directors of Mr. Hastings' appointments.

This continued too long for the good of the country, but did not continue absolutely and relatively long; because the court of Directors, as soon as they heard of this iniquitous appointment, which glared upon them in all the light of its infamy, immediately wrote the strongest, the most decided, and the most peremptory, censure upon him—attributing his acts, every one of them, to the same causes to which I attribute them. To let you see that the court of Directors saw the thing in the very light I represent it to your Lordships, and indeed in which every one must see it, they reprobate all his idle excuses; they reprobate all the actors in the scene; they consider it to be not the Nawab but him; that the object of the appointment of Munny Begum was money, and that the object of that appointment was the robbery of the Nawab's treasury.

"We by no means approve your late proceedings on the application of the Nabob Mobareck ul Dowla for the removal of the Naib Soubadar. The requisition of Mobareck ul Dowla was improper and unfriendly, because he must have known that the late appointment of Mahomed

Reza Khan, to the office of Naib Soubadar, had been marked with the 25 Apr. 1789.
the Company's special approbation, and that the Court of Directors had assured him of their favour, so long as a firm attachment to the Company's interest and a proper discharge of the duties of his station should render him worthy of their protection. We, therefore, repeat our declaration, that, to require the dismission of a prime minister thus circumstanced, without producing the remotest proof of his infidelity to the Company, or venturing to charge him with one instance of mal-administration in the discharge of his public duty, was improper and inconsistent with the friendship subsisting between the Nabob of Bengal and the Company."

And, further on, they say :—

"The Nabob having intimated that he had repeatedly stated the trouble and uneasiness which he had suffered from the Naibship of the Nizamut being vested in Mahomed Reza Khan, we observe one of the members of your Board desired the Nabob's repeated letters on the subject might be read; but this reasonable request was overruled, on a plea of saving the Board's time, which we can by no means admit as a sufficient objection. The Nabob's letters of the 25th and 30th of August, of the 3rd of September and 17th of November, leave us no doubt of the true design of this extraordinary business, being to bring forward Munny Begum and again to invest her with improper power and influence; notwithstanding our former declaration that so great a part of the Nabob's allowance had been embezzled or misapplied under her superintendence. Instead of your declaring that the Nabob's demands were grounded on positive rights, which will not admit of discussion—that the Nizamut is his inheritance—that the dependants of the Nizamut, Adawlut and Foujedarry, appertain to that inheritance; that, as he is pleased to demand and assert the positive rights of his office as Nizam of the provinces, there is no ground for denying his request; and that a reference to the Company would be an evasion unbecoming the honour of Government; the Nabob might have been reminded that a Naib Soubadar was appointed, and the office continued without interruption or objection during the government of his ancestors, who must have been supposed more capable of governing the provinces than a youth of 20 years of age. You have requested this unexperienced young man to permit all the present judges and officers of the Nizamut and Foujedarry adawluts or courts of criminal justice, and also all the Foujedars or officers appointed to guard the peace of the country, to continue in office until he the Nabob shall have formed a plan for a new arrangement of those offices; and it is with equal surprise and concern that we observe this request introduced, and the Nabob's ostensible rights so solemnly asserted, at this period, by our Governor General; because, on a late occasion, to serve a very different purpose, he has not scrupled to declare it as visible as the light of the sun that the Nabob is a mere pageant, and without even the shadow of authority. No circumstance has happened since that declaration was made to render the Nabob more independent, nor to give him any additional degree of power and consequence."*

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* Extract of General Letter from the court of Directors to Bengal, dated 4th February, 1779.—Printed in the Appendix to the Fifth Report of the Select Committee, No. 6 (A. a.).

25 APR. 1789.

Corrupt motives of Mr. Hastings.

At present I do not think it necessary to trouble your Lordships, because it is more than enough—it is slaying the slain—to show what Mr. Hastings' motives were; that he acted against the sense of the East India Company appointed by an Act of Parliament to control him; that he did it for a corrupt purpose; that all his pretences were false and fraudulent; and that he had his own corrupt views in the whole of the proceeding.

Mr. Hastings' method of playing off the authority of the Nawab.

I beg your Lordships to consider that, in this statement that I make to you of this matter, you will observe the instruments with which Mr. Hastings acts. The great men of that country, and particularly the subahdar himself, the Nawab, is in so equivocal a situation that it affords him two bolting holes, by which he is enabled to resist the authority of the Company and exercise an arbitrary authority of his own; for, though the Nawab has the titles of high sovereignty, he is the lowest of all dependants. He appears to be the master of the country; he is a pensioner of the government. When Mr. Hastings wants him to obey and answer his corrupt purposes, he finds him in the character of a pensioner. When he wants his authority, to support him in opposition to the authority of the Company, immediately he invests him with high sovereign powers, and he dare not execute the orders of the Company, for fear of doing some act that will make him odious in the eyes of God and man. We see how he appointed all officers for him, and forbade his interference in all affairs. When the Company see the impropriety and the guilt of these acts, and order him to rescind them and appoint again Mohammed Reza Khan, he declares he will not—that he cannot do it in justice; but that he will consent to send him the order of the Company, but without backing it with any order of the Board: which, supposing even there had been no private communication, was in other words commanding him to disobey it.

He pretends to refer to the Nawab the Directors' order to restore Mohammed Reza Khan.

So this poor man, who a short time before was at the feet of Mr. Hastings, whom Mr. Hastings declared to be a pageant, and swore in a court of justice that he was but a pageant—and he followed that affidavit with long declarations in Council that he was a pageant in sovereignty and ought in policy ever to be held out as such—that man he sets up in opposition to the Company, and refuses to appoint Mohammed Reza Khan, who was guaranteed by the express faith of the Company, pledged to his support in his office.

Will any man tell me that that resistance, under such base and plausible pretences, could be any other than following systematically up the system of corruption and the bribes he had received from Munny Begum? 25 Apr. 1789.

Rejection of the order by the Nawab.

But there is another circumstance that puts it in a stronger light. He opposes the Nawab's mock authority to the authority of the Company. He receives an answer, defying that authority of the Company, and leaves Mohammed Reza Khan unemployed, because he cannot in justice execute orders from the Company—though they are his undoubted masters—contrary to the rights of the Nawab. You see what the rights of the Nawab were. The rights of the Nawab were to be governed by Munny Begum and her scandalous ministers. But, however, we see him there now. He is exalted an independent sovereign: he defies them at the head of their armies and their treasury. That name that makes all India shake was defied by one of its pensioners.

Support of Mohammed Reza Khan by Mr. Francis.

My Lords, human greatness is an unstable thing. This man so suddenly exalted by Mr. Hastings was as soon depressed, and the manner of his depression is as curious as that of his exaltation, and will tend to show you the man most clearly. Mr. Francis, who constantly had opposed Mr. Hastings upon principles of honour and principles of obedience to the authority under which he acted, had constantly asserted that Mohammed Reza Khan ought to be put into employment. Mr. Hastings constantly opposed him, and the reason he gave for it was that it was against the direct rights of the Nawab, and that they were rights that were so sacred that they could not be infringed, even by the sovereign authority of the Company ordering him to do it. He had so great an aversion to the least subtraction of right, that he would not suffer this man to be invested with his office, under the Company's authority, by the express command of the court of Directors. The Nawab was too sovereign, too supreme, for him to do it. But, such is the fate of human grandeur, that a whimsical event reduced the Nawab to his state of pageant again and made him the subject of you will see whom. Mr. Francis, who all along had never followed any principle but that which he had followed in conformity to his own plans and those of his virtuous colleagues, namely, an entire obedience to the laws of his country, had never contended for any one thing but an obedience to them on the part of Mr. Hastings, in any instance

25 Apr. 1789. and in any way. Mr. Hastings had other principles. He found he was so embarrassed by his disobedience to the spirit of the orders of the Company, by the various wild projects he had formed, that, even with the majority of the Council, he found it was necessary for him at any price to gain over Mr. Francis.

His abandonment of opposition to Mr. Hastings on condition of his reinstating Mohammed Reza Khan.

Mr. Francis, frightened by the same miserable situation of things—it was in a most dangerous period—the height of the Marhatta war—Mr. Francis was willing likewise to give up his opposition to him, and to suspend the execution of many rightful things and to give them up to the public necessity. Accordingly he agreed with Mr. Hastings. What was the price of that surrender? Any base purpose? Any desertion of public duty? No; all that he desired of Mr. Hastings was, that he should obey the orders of the Company, and, among other acts of his obedience, that Mohammed Reza Khan should be put into that place.

The Nawab makes the appointment at Mr. Hastings' dictation.

You have heard how Mr. Hastings opposed the order of the Company, and for what he opposed it. On the 1st of September he sent an order for the Nawab to give up this place to Mohammed Reza Khan, which he had represented as a dethroning of the Nawab. The order went on the 1st of September, and on the 3rd this great and mighty prince, whom all earth could not move from the assertion of his rights, gives them all up, and Mohammed Reza Khan is invested with them. So there were all his pretences gone. It is plain the whole was done for Munny Begum; and when he gave up anything it was from necessity. It shows that the Nawab was the meanest of his servants; for his daily bread undoubtedly was eaten out of the hands of Mr. Hastings, through Munny Begum.

Private assurance to the Nawab that the appointment should be rescinded.

Mohammed Reza Khan was invested again with that place; but such was the treachery of Mr. Hastings that, though he wrote to the Nawab it was done in consequence of the orders of the Company, he did clandestinely, according to his usual mode, assure the Nawab that Mohammed Reza Khan should not hold the place longer than till he heard from England. Then he wrote another, that he should hold it no longer than while he submitted to his present necessity. So here he gave to his colleague what he refused to the Company, and engaged privately that he would dismiss Mohammed Reza Khan again; and, the moment he thought Mr. Francis was not in a condition to give him trouble any longer, that moment he turned Mohammed Reza Khan out

Mohammed Reza Khan removed from office.

again from that general superintendence of affairs which the Company gave him—deposed him as a minister—left him only in a very confined manner as a magistrate; and all these changes—no less than four great revolutions, if I may so call them—were made by Mr. Hastings for this corrupt purpose. This is the manner in which Mr. Hastings has played with the most sacred objects that man ever had a dealing with—with the government—with the justice—with the order—with the dignity—with the nobility—of a great country. He played with them to satisfy his own wicked and corrupt purposes, through the basest instrument that ever was known. 25 Apr. 1789.

Inference of corruption, with breach of faith and duty.

Now, my Lords, I have done with the presumption that arose from this which I have shown first, because it is a strong presumption upon all the other proceedings arising from corruption with Munny Begum; and, next, to show that it is not a slight crime, but that it is attended with breach of public faith—with a breach of his orders—with a breach of the whole English Government and the destruction of the native government, of the police, the order, the safety, the security and the justice, of the country—all much concerned in this cause. Therefore the Commons stand before the face of the world to say we have brought a cause—a great cause—a cause worthy the Commons of England to prosecute, and worthy the Lords to judge and determine upon.

Corruption of the service consequent on Mr. Hastings' bribery.

Now, I have nothing further, after these presumptions being finished, than to state what the consequences are of Mr. Hastings taking bribes; that Mr. Hastings taking bribes is not only his own corruption, but it is the incurable corruption of the whole service.

I will show, first, that he was named in 1773 to put an end to that corruption. I will show that he did not; that he knowingly and wilfully connived at it; and that that connivance was the principal cause of all the disorders that have hitherto prevailed in that country.

I will show you that he positively refused to obey the Company's orders, to inquire into or to correct the corruptions that prevailed in that country. Next, that he established an avowed system of connivance, in order to gain everything that was corrupt in the country. And that, lastly, to secure it, he gave up all the prosecutions, and enervated and took away the sole arm left to the Company for

25 Apr. 1789. the assertion of authority, and the preservation of good morals and purity in their service.

My Lords, here is a letter, in the year 1773, in which the court of Directors had, upon his own representation, approved some part of his conduct. He is charmed with their approbation; he promises the greatest things. But then, that very instant, he proceeds in the following manner, that, I believe your Lordships will see, a more deliberate system for, not only being corrupt himself, but supporting corruption in others, never was exhibited in any public papers,—

His excuses to the Directors for not inquiring into corrupt practices in the service.

"While I indulge the pleasure which I receive from the past successes of my endeavours [I own I cannot refrain from looking back with a mixture of anxiety on the omissions, by which I am sensible I may since have hazarded the diminution of your esteem. All my letters addressed to your Honourable Court, and to the Secret Committee, repeat the strongest promises of prosecuting the inquiries into the conduct of your servants, which you had been pleased to commit particularly to my charge. You will readily perceive that I must have been sincere in those declarations, since it would have argued great indiscretion to have made them had I foreseen my inability to perform them. I find myself now under the disagreeable necessity of avowing that inability: at the same time, I will boldly take upon me to affirm that, on whomsoever you might have delegated that charge, and by whatever powers it might have been accompanied, it would have been sufficient to occupy the entire attention of those who were entrusted with it; and, even with all the aids of leisure and authority, would have proved ineffectual. I dare appeal to the public records—to the testimony of those who have opportunities of knowing me, and even to the detail, which the public voice can report of the past acts of this government, that my time has been neither idly nor uselessly employed; yet such are the cases and embarrassments of this various state, that although much may be done, much more even in matters of moment must necessarily remain neglected. To select from the miscellaneous heap, which each day's exigencies present to our choice, those points on which the general welfare of your affairs most essentially depends; to provide expedients for future advantages, and guard against probable evils, are all that your administration can faithfully promise to perform for your service with their united labours most diligently exerted. They cannot look back without sacrificing the objects of their immediate duty which are those of your interests to endless researches which can produce no real good; and may expose your affairs to all the ruinous consequences of] personal malevolence both here and at home."*

Insincerity of his excuses.

My Lords, this is the first man that I believe ever took credit for his sincerity from his breach of his promises. "I could not have made these promises if I had not thought that

* Extract of letter from Mr. Hastings to the Court of Directors, dated 11th November, 1773.—Printed in the Appendix to the Fifth Report of the Select Committee on Indian Affairs, No. 5.

I could perform them. Now I find I cannot perform them; and you have in that non-performance, and in that profession, a security for my sincerity when I promised them." Upon this principle, any man who makes a promise has nothing to do afterwards but to say that he finds himself, without assigning any particular cause for it, unable to perform it, not only to justify himself for his non-performance, but to justify himself and claim credit for sincerity in his original profession. This was a charge given him specially, and he promised obedience, over and over, upon the spot and in the country, in which he was no novice—for he had been bred in it; it was his native country in one sense; and it was the place of his renewed nativity and regeneration. Yet this very man, as if he was a novice in it, says—"I promised you what I now find I cannot perform." Then he does worse: he says, he cannot perform it without giving up his whole time: he says, no man could perform it if he gave up his whole time to it: and lastly, he says, that the inquiry into these corruptions, even if you succeeded in them, would do more harm than good. 25 APR. 1789.

Now, was there ever an instance of a man so basely deserting a duty, and giving so base a reason for it? His duty was to put an end to corruption in every channel of government. "It cannot be done." "Why?" "Because it would expose our affairs to malignity and enmity, and end, perhaps, to our disadvantage." Not only will he connive himself, but he advises the Company to do it. For fear of what?—for fear that their service was so abandoned and corrupt that the display of the evil would tend more to their disreputation than all their attempts to reform it would tend to their service. Desertion of his duty.

Mr. Hastings should naturally have imagined that the law was a resource in this desperate case of bribery. He tells you that, in that charge of oppression,—

> "Though they were supported by the cries of the people, and the most authentic representations, yet it is impossible in most cases to obtain legal proofs."

Here is a total system of despair upon the business, which I hope and believe is not a desperate one, and has not proved a desperate one whenever a rational attempt has been made to pursue it. Here you find him corrupt, and you find, in consequence of that corruption, that he screens the whole body of corruptions in India, and pretends

25 Apr. 1789. an absolute despair of any possibility, by any art or address, of putting an end to them. Nay, he tells you that, if corruption did not exist, if it was not connived at, the India Company could not exist. Whether that be a truth or not I cannot tell; but this I know, that it is the most horrible picture that ever was made of any country. It might be said that these were excuses for omissions—sins of omission there he calls them. I will show that they were systematic; that Mr. Hastings did uniformly contend that he would connive at abuses. When the whole mystery of the iniquity in which he himself was deeply concerned—when all the Company's orders were contravened—when contracts were given directly contrary to their orders, and upon principles subversive to their government, leading to all manner of oppression and ruin to the country—what was Mr. Hastings' answer?—

His connivance in abuses.

"I must here remark that the majority . . . . I had not the power of establishing it."*

Then he goes on and states other cases of corruption, at every one of which he winks. Here he states another reason for his connivance. "Suppose again"—for he puts another supposition: and these suppositions are not hypotheses laid down for argument, but real facts existing then before the Council examining into grievances—

"Suppose again that any person had benefitted himself . . . . . unprofitable discussion."*

Here is a direct avowal of his refusing to examine into the conduct of persons in the Council, even in the highest departments of government, and the best paid, for fear he should dissatisfy them, and should lose their votes, by discovering those peculations and corruptions, though he perfectly knew them. Was there ever, since the world began, any man who would dare to avow such sentiments until driven to the wall? If he could show that he abhorred bribes and kept at a distance from them, then he might say "I connive at the bribes of others"; but, when he acknowledges that he takes bribes, how can you doubt that he buys a corrupt confederacy, and puts an end to any hope through him of reformation of the abuses at Bengal? But your

* The paper referred to has not been found.

Lordships will see that he not only connived at abuse, but patronised it—supported it—for his own political purposes, as he here himself confesses; that, if it created him ill humour, produced him an opposition in Council, he sacrificed the power of the Company and the constitution of their government. Did he so? The Company ordered him to prosecute those people, and their constitution required that they should be prosecuted. "No," says Mr. Hastings, "the conniving at it procures a majority of votes." The very thing that he bought was not worth half the price he paid for it. He was sent to reform corruptions, and, in order that he might reform corruptions, he winked at, countenanced and patronised them, to get a majority of votes; and what was in fact a sacrifice to his own interest, ambition and corruption, he calls a sacrifice to the Company! So he puts this alternative—"either give everything into my hand—suffer me to go on and have no control—or else I wink at every species of corruption." It is a remarkable and stupendous thing that, when all the world was alarmed at the disorder of the Company, when that alarm procured his being sent out, when Parliament took such an alarm at it that they suspended the constitution of the Company, and appointed another government, that he should tell that Company that Parliament had done wrong, and that the person put at the head of that government was to wink at these abuses. 25 Apr. 1789. His encouragement of corruption to gain support.

But he went further: he not only declared that, upon general principles, it was impossible to pursue the delinquencies of India, and, if possible to pursue them, that mischief would happen from it, but your Lordships will observe that, in this business, during the whole period of time for which that body was sent out to inquire into and reform the corruptions of that government, not one person was called to an account, nor, except Mr. Hastings, this day, any one punished for delinquency: whether he will be punished or no time will show. I have no doubt of your Lordships' justice, and of the goodness of our cause; but he was by his connivance and protection the promoter of all the evils in India. The table of the House of Commons groaned under complaints of the evils growing in India under this systematic connivance of Mr. Hastings. The Directors had set on foot prosecutions—God knows how; but, such as they were, they were their only remedy; and they began to consider at last that these prosecutions had taken a long oblivious nap Prosecutions ordered by the Directors.

25 Apr. 1789. of many years; and, at last, knowing that they were likely, in the year 1782, to be called to a strict account about their own conduct, they began to rouse themselves, and they write thus:—

"Having, in several of our letters to you, very attentively perused all the proceedings referred to in these paragraphs relative to the various forgeries on the Company's treasuries, we lament exceedingly that the parties should have been so long in confinement without being brought to trial."

Here, my Lords, after that justice had been asleep a while, it was renewed and revived. They directed two things; first, that they should pursue those suits; but, whether pursued or no, that they should give an account of the state of them, that they might give orders concerning them.

Your Lordships see they write; you see the orders of the Company. Did they want to pursue and to revive these dormant prosecutions? They want to have a state of them, that they may know how to direct the future conduct of them with more effect and vigour than had yet been pursued.

Abandonment of the prosecutions by Mr. Hastings.

You would naturally imagine that Mr. Hastings did not obey their orders or obeyed them languidly. No; he took another part. He says,—

"Having attentively read and weighed the arguments . . . . . for withdrawing them."*

So he begins with the general principle of connivance; he directly avows he does it for a political purpose; and when the Company directs he shall proceed in the suits, instead of referring it to their judgments, he takes the judgment on himself, and says they are untenable. He directly discharges the prosecutions of the Company, supersedes the authority of his masters, and gives a general release to all the persons who were still suffering by the feeble footsteps of justice in that country. He gave them an act of indemnity, and that was the last of his acts. When you find a man taking bribes; when you find a man establishing principles of connivance; when you find a man establishing principles of connivance for his own support; and when you find him ordered to raise special proceedings against particular men, he discharges them and gives them an indemnity by his own act!

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* The letter referred to has not been found.

Now, am I justified in showing the consequence of his bribery—the presumptions that arise from his own bribes, in being so attentive to secure others from the consequences of theirs, and when ordered to carry on a suit discharging it? When we see that, can we avoid judging and forming our opinions upon two grand points—first, that no man would proceed in that universal patronage of guilt, unless he was guilty himself; next, that by an universal connivance for fourteen years, he is himself the cause and main spring of all the evils, calamities, extortion and bribery, that have prevailed and ravaged that country so long a time? There is no doubt either of the presumption of his guilt or of the consequences of it, by which he has indeed given over the last expiring hope and glimpse there was of procuring a remedy for India for the evils that exist in it. 25 Apr. 1789. Conclusion of his guilt from his connivance at corruption.

I would mention, as a postscript to what I have said respecting the situation of Munny Begum, he did not end there. When he could no longer put the government into the hands of that infamous woman, he sent an amorous, sentimental, letter to the Company, describing her miserable situation, and advising the Company to give her a pension of 72,000 rupees a year to maintain her; and he describes her situation in such a sentimental way as must melt every heart. He supposes her reduced by the cruel orders of the Company, who retain from her money which they were never obliged to give her. That representation he made to the Company alone, because his colleagues would not countenance him in it; for we find, upon looking into Lord Cornwallis' last examination into the state of this unhappy family, that this woman was able to lend to Mobaric-ud-Dowla 20,000*l*. Mr. Hastings could not avoid it, because he knew that, if he quitted the country without securing that woman—without giving her a hope that she had an agent here who could procure by his credit that money which by his authority he had before procured for her—she could then make a discovery of all that corruption that had been carried on between them; and therefore he squanders away the treasures of the Company in order to secure him from any such inquiries, and to procure him razi namas* and all those fine things. He knew that Munny Begum—that the whole seraglio—that all the country—whom he had put under the dominion of Sir John D'Oyley—that all those

Mr. Hastings' recommendation of a pension to Munny Begum.

Induced by the necessity for securing her silence.

* Properly a deed of assent, but here used in the sense of a testimonial.

25 Apr. 1789. people might have made a discovery of all his corrupt proceedings. He gets the Nawab to appoint Sir John D'Oyley his agent here for carrying on these things, to stop his mouth, and by the hope of another 160,000*l.* a year to prevent his giving an account of the dilapidation and robbery that was made of the 160,000*l.* that was left him.

His constant support of the Begum after receiving the bribe in 1772.

My Lords, I wish you to refer back to what I said about Munny Begum, to show you that from the day of his bribery, from the 12th of August, 1772, down to this very hour, for the sake of pillaging that miserable Nawab's family, he has never omitted to support that woman who bribed him; and there is an attempt to waste and dilapidate the Company's moneys, to give rewards to that very woman, she wallowing in money, whom he represents, with as much fairness as he represents himself, to be in a state of the most miserable poverty and distress.

Now I have finished what I proposed to say relative to his great fund of bribery, in the first instance of it, namely, in the administration of justice in the country. There is another system of bribery which I shall state before my friends produce the evidence. He puts all the great offices of the country to sale. He makes use of the trust of the revenues in order to destroy the whole system of those revenues, to make them bound and to be subservient to his system of bribery; which will make it necessary that your Lordships should couple the consideration of the charge of the revenues, in some instances, with that of bribery.

His sale of the offices of the country.

The next day your Lordships meet—and I hope I shall not detain you so long—I mean to open the second stage of his bribery—the period of discovery: for the first stage was the period of concealment. When he found his bribes could no longer be concealed, he next took upon him to discover them himself, and to take merit from them. I think it is not necessary to fatigue your Lordships with that at present; but, upon the next court day that you shall be pleased to appoint, I will open the second scene of his peculation—his new principles of it; and I will defy your Lordships to form a judgment which of them is the most iniquitous, though this next is the newest that ever was practised: and, whether treading in old corruptions and excelling the examples he imitated, or whether exhibiting new ones of his own, is the most iniquitous and attended with most evil to the Company, I must leave your Lordships to judge. At present I submit these considerations to your judgment.

CONTINUATION OF THE SPEECH OF THE RT. HON. EDMUND BURKE, MANAGER FOR THE HOUSE OF COMMONS, IN OPENING THE SIXTH ARTICLE OF THE CHARGE, RELATING TO PRESENTS; 5 MAY, 1789.

5 MAY 1789.

MY LORDS,—Agreeably to your Lordships' proclamation, which I have just heard, and the duty enjoined me by the House of Commons, I come forward to make good their charge of high crimes and misdemeanours against Warren Hastings, Esq., late Governor General of Bengal, and now a prisoner at your bar.

Reference to a vote of the House of Commons, censuring his imputing the death of Nundcomar to Mr. Hastings.

My Lords, since I had last the honour of standing in this place before your Lordships, an event has happened upon which it is difficult to speak and impossible to be silent. My Lords, I have been disavowed by those who sent me here to represent them. My Lords, I have been disavowed in a material engagement, which I made to this House to perform. My Lords, that disavowal has been followed by a censure. And yet, my Lords, so censured and so disavowed, by such an authority, I am sent here again to this place of my offence under the same commission, by the same authority, to make good the same charge against the same delinquent. My Lords, the situation is new and awful. The situation is such as, I believe and I am sure, has nothing like it on the records of Parliament, nor probably in the history of mankind. My Lords, it is not only new and singular, but I believe, to many persons who do not look into the true interior nature of affairs, it may appear that it would be to me as mortifying as it is unprecedented. But, my Lords, I have, in this situation and upon the consideration of all the circumstances, something more to feed my mind with than mere consolation; because, my Lords, I look upon the whole of these circumstances, considered together, as the strongest, the most decisive and the least equivocal, proof which the Commons of Great Britain can give of their sincerity and zeal in this prosecution. My Lords, is it from a mistaken tenderness or a blind partiality to me that, thus censured, they have sent me into this place? No; my Lords: it is because they feel

Renewed authority to proceed in the charges.

Proof of the zeal of the house in the prosecution.

5 May 1789. and recognise in their own breasts that active principle of justice, that zeal for the relief of the people of India, that zeal for the honour of Great Britain, which characterises me and my excellent associates; and, in spite of any defects, in consequence of that zeal which they applaud while they censure its mistakes, and because they censure its mistakes do but more applaud, have sent me to this place, instructed but not dismayed, to pursue this prosecution against Warren Hastings, Esq.

And, therefore, your Lordships will be pleased to consider this, as I consider it, not as a thing honourable to me, in the first place, but as honourable to the Commons of Great Britain, in whose honour the national glory is deeply concerned, that I should suffer myself with pleasure to be sacrificed in what perhaps is dearer to me than my life, my reputation, rather than suffer it to be supposed that the Commons could for one moment have faltered in their duty.

His encouragement from the confidence of the House.

My Lords, I, on one hand, feeling myself supported and encouraged, feeling protection and countenance from this admonition and warning which has been given to me, will show myself, on the other hand, not unworthy so great a mark of the favour of the Commons—a distinguished mark of favour, not the consequence of flattery but of opinion. Animated by that noble reward, which I shall always consider the confidence of the Commons to be, animated and encouraged by that noble reward—the only reward, but a rich reward, which I have received for the toils and labours of a long life—I proceed, with the Commons thus vindicated and myself thus encouraged, for such I consider it to be, in making good the honour of the Commons, which is the national honour. For, my Lords, if any weak circumstance —if any feebleness of nerves—if any yielding to any weak and popular opinions and delusions, were to shake us, consider what the situation of this country would be. This prosecution, if ill-digested, weakly conceived or intemperately pursued, ought never to have been brought to your Lordships' bar; but being brought to your Lordships' bar the nation is committed to it, and the least appearance of uncertainty would ruin us for ever. *Esto perpetua* has been said; *esto perpetua,* much more be it said, to its glory and perfection; and I will say that, as we have raised and exhibited a theatre of justice which has excited the admiration of all Europe, there would be a sort of lustre in our infamy and a splendour in the disgrace that we should bring upon

5 MAY 1789.

ourselves, if we should, just at that moment, turn that theatre of our glory into a spectacle of dishonour, beyond that which has ever happened to any country of the world. Therefore, the Commons of Great Britain, whilst willing to keep a strong and firm hand over all those who represent them in any business, do at the same time encourage them in the prosecution, by showing to them that they have a just discretion and latitude, wherever their own orders have not marked a distinction.

Indiscretion in the conduct of the prosecution to be attributed to himself, not to the Commons.

I, therefore, go on with the more cheerful confidence, not only for the reasons that I have stated, but for another and material reason. I know and am satisfied that, in the nobleness of your Lordships' judgment, you will always make a distinction between the person that gives the order and the organ that is to execute it. The House of Commons know no such thing as indiscretion, imprudence or impropriety: their instruments may. And your Lordships very well know that, if you hear anything that shall appear to you to be regular, apt to bring forward the charge, just, prudent, cogent, you are to give it to the Commons of Great Britain, in Parliament assembled. If you should hear from me—and it must be from me alone, and not from any other member of the committee—anything that is unworthy that situation, that comes feeble, weak, indigested, or ill-prepared, attribute that to the instrument. Your Lordships' judgment would have done that without my saying it; but I claim it on the part of the Commons, for their dignity, asking for myself the necessary indulgence that must be given to all weakness, that your Lordships would impute it where you would have imputed it without my desire. It is a distinction you would naturally have made, and the rather, because what is alleged at the bar is not that upon which you are to give judgment. If, not only I, but the whole body of Managers had made use of any expression I made use of, even if the Commons of Great Britain in Parliament assembled, if the collective body of Parliament, if the voice of Europe, if we "speak with the tongues of men and angels," you, in the seat of judicature are not to regard what we say but what we prove. You are to consider whether the charge is well substantiated, and proof brought out by legal inference and argument.

Duty of the managers to enforce the charges to the utmost.

You know, and I am sure the habits of judgment in which your Lordships sit must better inform you than any other men, that the duties of life, in order to be well per-

5 May 1789. formed, must be methodised, separated, arranged and harmonised, in such a manner that they shall not clash with one another, but each have a department assigned and separated to it. My Lords, in that manner it is that we the prosecutors have nothing to do with the principles which are to guide the judgment; that we have nothing to do with the defence of the prisoner. Your Lordships well know that, when we come before you, you hear a party—that when the accused come before you, you hear a party; that it is for you to doubt and wait your decision till you come to the close; that it is for us, the prosecutors, to have decided before we came here. To act as prosecutors, we ought to have no doubt or hesitation, nothing trembling or quivering in our minds upon the occasion. We ought to be fully convinced of guilt before we come to you. It is our business to bring forward the proofs, to enforce them with all the clearness, illustration, example, that we can bring forward. We are to show the circumstances that can aggravate the guilt; we are to go further, to show the mischievous consequences and tendency of those crimes to society; and we are, if able so to do, to arouse and awaken in the minds of all that hear us those generous and noble sympathies which Providence has planted in the breasts of all men, to be the true guardians of the common rights of humanity. Your Lordships know that that is the duty of the prosecutors; and that, therefore, we are not to consider the defence of the party, which is wisely and properly left to himself; but we are to press the accusation with all the energy of which it is capable, and, with minds perfectly convinced, come before an august and awful tribunal which at once tries the accuser and the accused.

Resolution of the Commons, disavowing the charge against Mr. Hastings respecting the death of Nundcomar.

Having stated thus much with respect to the Commons, I am to read to your Lordships the resolution which the Commons have come to upon this great occasion, upon which I shall take the liberty to say a very few words.

My Lords, the Commons have resolved last night, and I have not seen it till this morning:—

"That no direction or authority was given by this house to the Committee appointed to manage the Impeachment against Warren Hastings, Esq., to make any charge or allegation against the said Warren Hastings respecting the condemnation or execution of Nundcomar; and that the words spoken by the Right Honourable Edmund Burke, one of the said Managers, *videlicet*, that he (meaning Mr. Hastings) murdered that man (meaning Nundcomar) by the hands of Sir Elijah Impey, ought not to have been spoken."

My Lords, this is the resolution of the House of Commons. Your Lordships well know and remember my having used such or similar words, and the end and purpose for which I used them. I owe a few words of explanation to the Commons of Great Britain, who attend in the committee of the whole House, to be the observers and spectators of my conduct. I owe it to your Lordships—I owe it to this great auditory—I owe it to the present times and posterity—to make some apology for a proceeding which has drawn upon me the disavowal of the House which I represent. Your Lordships well remember that this charge, which I have opened to your Lordships, is primarily a charge upon the evidence of the Raja Nundcomar, and, consequently, I thought myself obliged—I thought it a part of my duty—to support the credit of that person who is the principal evidence, to support the direct charge that is brought before your Lordships. I knew that Mr. Hastings, by his anticipated defence before the House of Commons, would attempt to shake the credit of that witness. I therefore thought myself justified in informing your Lordships, and in warning him that, if he did attempt to shake the credit of an important witness against him by an allegation of his having been condemned and executed for a forgery, I would endeavour to support his credit by attacking that very prosecution which brought on that condemnation and that execution, and that I did consider it, and would lay grounds before your Lordships to prove it, to be a murder committed, instead of a justification set up or that ought to be set up. Now, my Lords, I am ordered by the Commons no longer to persist in that declaration, and I, who know nothing in this place, and ought to know nothing in this place, but obedience to the Commons, do mean—when Mr. Hastings makes that objection, if he shall be advised to make it, against the credit of Raja Nundcomar—not to support that credit; and, therefore, that objection to the credit of the witness must go unrefuted by me.

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Apology for having exceeded the terms of the impeachment.

The charge of bribery founded on Nundcomar's evidence.

Necessity for clearing his character from the imputation of forgery.

My Lords, I must admit, perhaps against my private judgment—but that is of no consideration for your Lordships when opposed to the judgment of the House of Commons—or at least not contest at all, that a first minister of state in a great kingdom, who had the administration and the entire and absolute command of a revenue of 1,500,000*l.* a year for his benefit, had been guilty of a paltry forgery in Cal-

Coincidence of his prosecution with his accusation of Mr. Hastings.

5 May 1789. cutta, and that this man who had been guilty of this paltry forgery had waited for his sentence and his punishment, till a body of English judges, armed with an English statute, came to Calcutta; and that that happened at the very happy nick and moment when he was accusing Mr. Hastings of the bribery with which we now, in the name of the Commons, charge him; that it was an entirely fortuitous concurrence of circumstances, which weakened the credit of Nundcomar, and for that time took away the danger of his prosecution in which Mr. Hastings had no share; or that it was owing to something beyond,—to circumstances more pious than fortuitous, namely, what Mr. Hastings tells you himself, "that all persuasions of men were pervaded with a superstitious belief that a fortunate influence directed all my actions to their destined ends." I, not being at that time infected with that superstition, did not believe, considering what I thought Mr. Hastings' guilt to be, and what I must prove it to be as well as I can, that Providence did watch over Mr. Hastings, so as in the nick of time, like a God in a machine, to come down to save him in the moment of his imminent peril and distress. I did not think so; but I must not say so.

Proof from Mr. Hastings' defence before the Commons of his purpose to blacken the character of Nundcomar.

But now, to show that it was not weakly, loosely or idly, that I took up this business, or that I anticipated a defence which it was not probable for Mr. Hastings to make —and I wish to speak to your Lordships in the first instance, but to the Commons in the next—I will read part of Mr. Hastings' Defence before the House of Commons. It is in evidence before your Lordships. He says:—

"In this article, my accuser"—meaning myself, then acting as a private member of Parliament—"charges me with the receipt of large sums of money taken before the promulgation of the Regulating Act of 1773, contrary to my convenants with the Company, and with the receipt of very large sums taken since, in defiance of that law, and contrary to my declared sense of its provisions, and he ushers in this charge in the following pompous diction—'That, in March 1775, the late Rajah Nuncomar, a native Hindoo of the highest cast in his religion, and of the highest rank in society, by the offices which he had held under the country government, did lay before the Council an account of various sums of money, &c.' It would naturally strike every person, ignorant of the character of Nuncomar, that an accusation made by a person of the highest cast in his religion, and of the highest rank by his offices, demanded peculiar notice, and acquired a considerable degree of credit, from a prevalent association of ideas that a nice sense of honour is connected with an elevated rank of life; but when this honourable House is informed that my accuser knew (though he suppressed the facts) that this person of high rank and high cast had forfeited every pretension

to honour, veracity and credit,—that there are facts recorded on the very proceedings which my accuser partially quotes proving this man to have been guilty of a most flagrant forgery of letters from Munny Begum and the Nabob Yetram-ul-Dowlah (independent of the forgery for which he suffered death) of the most deliberate treachery to the state, for which he was confined by the orders of the court of Directors to the limits of the town of Calcutta, in order to prevent his dangerous intrigues, and of having violated every principle of common honesty in private life—I say, when this honourable House is acquainted it is from mutilated and garbled assertions founded on the testimony of *such an evidence* without the whole matter being fairly stated, I do hope and trust it will be sufficient for them to reject *now* these vague and unsupported charges, in like manner as they were *before* rejected by the court of Directors, when they were first made by General Clavering, Colonel Monson and Mr. Francis." 5 May 1789.

My Lords, I hope this was a good and reasonable ground for me to anticipate the defence which Mr. Hastings would make in this House, namely, on the known, recognised, infamous, character of Nundcomar, with regard to certain proceedings there charged at large, with regard to one forgery for which he suffered, and two other forgeries with which Mr. Hastings charged him. I, who found that the Commons of Great Britain had received that very identical charge of Nundcomar, and given it to me in trust to make it good, did naturally — I hope excusably, for it is the only ground upon which I stand—endeavour to support that credit upon which the House acted. I hope I did so: and I hope that the goodness of that intention will be my excuse, if I went a little too far on that occasion. I would have endeavoured to support that credit, which it was much Mr. Hastings' interest to shake, and which he had before attempted to shake.

Object of Mr. Burke to support Nundcomar's character.

Your Lordships will have the goodness to suppose me now making my apology, and by no manner of means intending to persist either in this or in anything which the House of Commons shall desire me not to declare in their name. But the House of Commons has not denied me [the liberty] to make you this just apology. God forbid they should; for they would be guilty of great injustice if they did. The House of Commons, whom I represent, will likewise excuse me, their representative, in endeavouring to support their character in the face of the world, and in making an apology, and only a humble apology, for my conduct—that I did consider that act in the light that I represented it, merely as my private opinion, without any formal instruction from the House. For there is no doubt that the House is per-

Distinction between his own opinions and those he delivers as representing the Commons.

5 May 1789. fectly right in that. The House did neither formally instruct me, nor at all forbid my making use of such an argument. And, therefore, I have given your Lordships the reason why it was fit to make use of such argument—if it was right to make use of it. But I am in the memory of your Lordships that I did conceive it to be relevant; and it was by the poverty of the language I was led to express my private feelings under the name of a murder. For, if the language had furnished me, under the impression of those feelings, with a word sufficient to convey the complicated atrocity of that act, as I felt it in my mind, I would not have made use of the word murder. It was on account of the language furnishing me with no other I was obliged to use that word. Your Lordships do not imagine, I hope, that I used that word in any other than in a moral and popular sense, and not the legal and technical sense of the word murder.

Persistence in the charge in his own judgment.

The term murder used in the moral, not the legal sense.

Your Lordships know that I could not bring before this bar any commoner of Great Britain on a charge for murder. I am not so ignorant of the laws and constitution of my country. I expressed an act which I conceived to be of an atrocious and evil nature, and partaking of some of the moral evil consequences of that crime. What led me into that error?—nine years meditation upon that subject.

His opinion on the subject the result of many years' consideration of the evidence.

My Lords, the prisoner at the bar, in the year 1780, brought a petition to the House of Commons complaining of that very Chief Justice, Sir Elijah Impey. The House of Commons, who then had some trust in me—as they have some trust still—did order me, along with persons more wise and judicious than I, several of whom stand near me, to make an inquiry into the state of the justice of that country. The consequence of that inquiry was, that we began to conceive a very bad opinion both of the complainant and defendant in that business; that we found English justice, as we thought it to be and reported it to the House to be, a grievance instead of a redress to the people of India. I could bring to your Lordships, if I did not spare your patience, whole volumes of reports, whole bodies of evidence, tending to make that matter at least exceedingly doubtful in the very beginning; and the progress we have made, in the course of eight or nine years, has brought to my mind such a conviction of that business as shall never be torn from my heart but with my life; and I should have no heart that was fit to lodge any honest sentiment if I departed from my opinion upon that occasion. But, when I declare my own firm

opinion upon it—when I declare the reasons that led me to it—when I mention the long meditation that preceded forming a judgment upon it, the strict inquiry, the many hours and days of meditation, collation and comparison, indeed that opinion, which could be actuated by no malice to one party or the other, may be excused, when your Lordships consider, as far as you know me, as far as my public services for many years account for me, that I am a man of a slow, laborious, inquisitive, temper; that I do seldom leave a pursuit without leaving marks, perhaps of my weakness, but leaving marks of that labour; and in consequence of that labour I made that affirmation, and thought the nature of the cause obliged me to support and substantiate it. It is true that those who sent me here have sagacity to decide upon the subject in a week. They can in one week discover the errors of my labours for nine years. 5 May 1789.

Now I have made this apology to you and assure you you shall never hear me, either in my own name here, much less in the name of the Commons, urge one thing to you in support of the credit of Nundcomar grounded upon that judgment, until the House shall instruct and order me otherwise; because I know I ought to know nothing here, when I can discover their sentiments, but a strict and literal obedience to them.

Mr. Hastings' charge of malice in imputing to him the prosecution of Nundcomar.

My Lords, another thing might make me perhaps a little willing to be admitted to the proof of this, because of the very answer of Mr. Hastings to this charge, which the House of Commons, however, have adopted, and, therefore, in some degree purified:—

"To the malicious part of this charge, which is the condemnation of Nuncomar for a forgery, I do declare in the most solemn and unreserved manner that I had no concern either directly or indirectly in the apprehending, prosecuting, or condemnation of Nuncomar. He suffered for a crime of forgery which he had committed in a private trust that was delegated to him, and for which he had been prosecuted in the dewanny courts of the country, before the institution of the Supreme Court of Judicature. To adduce this circumstance therefore as a confirmation of what was before suspicious, from his general depravity of character, is just as reasonable as to assert that the accusations of Empson and Dudley were confirmed because they suffered death for their atrocious acts."

My Lords, this is Mr. Hastings' Defence before the House of Commons originally, and now in evidence before your Lordships, in which he supposes the charge that was made

5 May 1789. originally before the Commons, and which the Commons voted—though afterwards, for the convenience of shortening the affair, it was brought before your Lordships in the way in which it is—he supposes the whole to proceed from a malicious intention; and I hope your Lordships will not think, and I hope the Commons, reconsidering this matter, will not think that, when such a charge of malice was made for this corroborating argument, which was used in the House of Commons to prove his guilt, and which he attempted to repel, I should attempt to support the House of Commons against his charge of being malicious.

Defence of Nundcomar from Mr. Hastings' charge of forgery of a letter.

I must observe where I am limited and where I am not. I am limited strictly, fully, and your Lordships and my country who hear me will judge how faithfully I shall adhere to that limitation, not to support the credit of Nundcomar against that part of the charge; but I am not at all limited from endeavouring to support his credit against Mr. Hastings' charge against him for other forgeries, and in showing you that which I hope to show you clearly in a few words, that Nundcomar cannot be guilty of forgery with more probability than Mr. Hastings is guilty of a light and dangerous—for I use no other words—of a light and dangerous charge of forgery, when it serves his purposes.

In this very case Mr. Hastings charges Nundcomar with two forgeries. The first is a forgery of a letter from Munny Begum, and the other is a forgery of a letter from the Nawab Yetcram-ud-Dowla, the uncle of the Nawab of Bengal. These two forgeries, he says, appear to us upon our own records, and, therefore, he infers malice in those who impute anything improper to him, knowing that the proof stood so. He says:—

"There are facts recorded in the very proceedings which my accuser partially quotes, proving this man to have been guilty of a most flagrant forgery of a letter from Munny Begum and the Nabob Yetram ul Dowlah."

Here he asserts that there are records before the House of Commons, on the Company's proceedings and consultations, proving Nundcomar to have been guilty of these two forgeries. Turn over the next page of his printed Defence, and you find a very extraordinary thing. You would have imagined that this forgery of a letter from Munny Begum, which he says is recognised and proved on the journals, was a forgery charged by Munny Begum herself, or by somebody on her part, or some person concerned in this business.

There is no other charge of it whatever, but the charge of Warren Hastings himself. He wants you to discredit a man for forgery, upon no evidence under heaven but that of his own, who thinks proper, without any sort of authority, without any sort of reference, without any sort of collateral evidence, to charge a man with that very direct forgery. He says:— 5 May 1789.

"I have been since informed by the Begum that the letter which bore her seal was a complete forgery, and that she was totally unacquainted with the use which had been made of her name till I informed her of it. Juggut Chund, Nuncomar's son-in-law, was sent to her, expressly to intreat her not to divulge it. Mr. Middleton, whom she consulted on the occasion, can attest the truth of this story."

Mr. Middleton is dead, my Lords. This is not the Mr. Middleton whom your Lordships have heard and know well in this House, but a brother of that Mr. Middleton, who is since dead.

Your Lordships find, when we refer to the records of the Company for a proof of this forgery, that it is no other than the unsupported assertion of Mr. Hastings himself that he was guilty of it. Now that is bad enough, but then hear the rest. Mr. Hastings has charged this unhappy man, whom we must not defend, with forgery upon the other business. He has charged a forgery upon him of a letter of Yetcram-ud-Dowla to Mr. Hastings. Now you would imagine that he would at least have given his own authority for that assertion, which he says was proved. He goes on and says:—

Mr. Hastings' second charge against Nundcomar of forgery of a letter.

"I have not yet had the curiosity to inquire of the Nabob Yetram ul Dowlah, whether his letter was of the same stamp, but I cannot doubt it."

Now, here he begins, in this very Defence which is before your Lordships, to charge a forgery upon the credit of Munny Begum, without supporting it even by his own testimony, and a forgery upon Yetcram-ud-Dowla, which he said he had not even the curiosity to inquire into, and yet he desires you at the same time to believe it to be proved. Good God! in what condition do men of the first character and situation in that country stand, when we have here delivered to us, as a record of the Company, Mr. Hastings' own assertion that a forgery was proved; when you have for the first nothing but his own unsupported assertion, and for the second not even that; for he says he had not the curiosity to inquire into it. I am not forbid by the Commons to state

5 May 1789. how and on what slight grounds Warren Hastings charges the natives of the country with forgery. Neither am I forbidden to bring forward the accusation which Mr. Hastings made against Nundcomar for a conspiracy, nor the event of it, nor any circumstance relative to it. The Commons never had the thing considered before them. The moment they have likewise cut off that resource, I shall go on with the rest in the best manner I can. There was a period among the revolutions of philosophy when there was an opinion that, if a man lost one limb or organ, the strength of that retired into what was left. My Lords, if we are straitened in this, then our vigour will be redoubled in the rest, and we shall use it with double force. If the top and point of the sword is cut off we shall take the hilt in our hands, and fight with that while there remains any weapon to fight against bribery, corruption and peculation; and we shall use double the vigour under any restraint which the wisdom of the Commons may lay upon us, or your Lordships' wisdom may oblige us to submit to.

Having gone through that business, showing where I am restrained, where I am not to repel Mr. Hastings' Defence, and where I am left at large to do it, I shall submit to the strict injunction with the utmost possible humility, and enjoy the liberty which is left to me with vigour, with propriety and discretion, I trust.

Resumption of the charge against Mr. Hastings.

My Lords, I had left off, when I opened this business before your Lordships, and when I was interrupted by this extraordinary parenthesis, which is long in this discourse, I remember I was beginning to open to your Lordships the second period of Mr. Hastings' scheme and system of bribery.

Extensive system of bribery.

My Lords, his bribery is so extensive and has had such a variety in it that it must not be distinguished only with regard to its kinds, but must be likewise distinguished according to the periods of bribery and the epochas of peculation committed by him. At this time, to which those accusations [refer] which we shall prove to your Lordships, I believe without the aids that we hoped for—your Lordships, I trust, allowing a good deal for our situation—we shall be able to prove that Mr. Hastings took as a bribe for appointing Munny Begum three lacs and a half of rupees. We shall prove that at the same period of time there were bribes received from the Raja of Rajeshaye. Mr. Hastings at that time followed bribery in a natural

manner. He took a bribe; he took it as large as he could; he concealed it as well as he could; and he got out of it by artifice or boldness, by use of trick or use of power, just as he was enabled. He acted like a wild, natural, man, void of instruction, discipline and art. The second period opened another system of bribery. About this time, from what communication your Lordships may guess, he came to think of other means, which were that, when he could no longer conceal any bribe that he had received, he not only might exempt himself from the guilt and the punishment, but might convert it into a kind of merit, and make himself, instead of a breaker of laws—a violator of his trust—a receiver of scandalous bribes—a peculator of the first magnitude—to be considered as a great, distinguishing, eminent, financier—a collector of revenue in new a d extraordinary ways; and that we should at once praise his diligence, industry and ingenuity, upon that occasion. And the scheme he set on foot was this—that the Company could not exist upon principles of strict justice. He so expressed it. He then said that their affairs, in many cases, could not be so well accommodated by a regular revenue as by privately taking money and applying it to their service by the person who took it, at his discretion. This was the principle he laid down. It would hardly be believed, I imagine, unless strong proof appeared, that any man could be so daring as to hold up that resource to a regular government who had three millions of known, avowed—a great part of it territorial—revenue: but it is necessary to piece out that lion's skin with a fox's tail—to tack a little piece of bribery and peculation, to help out the resources of a great and flourishing kingdom—that they had, in the knavery of their servants, in the breach of their laws, and in the entire defiance of their covenants, a real resource, applicable to their necessities, upon the occasion of which they were not to judge but the persons who were to take the bribes; and that those bribes, being taken as bribes—your Lordships will see it supported in evidence—by a private mental reservation, an intention unknown to the giver in the mind of the taker, some time or other, in some way or other, were to be applied to the public service; that it was to become a justifiable act in consequence of that reservation in the mind of the person who took it; and that he was not to be called to account for it in any other way than as he thought fit.

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Second period of his bribery.

His scheme for acquiring revenue for the Company by privately taking moneys.

5 MAY 1789.

Act of Parliament prohibiting bribery.

My Lords, an Act of Parliament passed in the year 1773, the whole drift of which, I may say, was to prevent bribery, peculation and extortion, in the Company's servants; and the Act was penned, I think, with as much strictness and rigour as ever Act was penned; and it is this:—

"Be it further enacted, by the authority aforesaid, that from and after the 1st of August 1774, no person holding or exercising any civil or military office, under the Crown or the said United Company in the East Indies, shall accept, receive or take, directly or indirectly, by himself or any other person or persons on his behalf, or for his use or benefit, of and from any of the Indian princes or powers, or their ministers or agents, or any of the natives of Asia, any present, gift, donation, gratuity or reward, pecuniary or otherwise, upon any account, or on any pretence whatsoever; or any promise or engagement for any present, gift, donation, gratuity, or reward; and if any person, holding or exercising any such civil or military office, shall be guilty of any such offence, and shall be thereof legally convicted," &c. &c.

Then it imposes penalties.

Orders of the Directors to the same effect.

And your Lordships see, that human wisdom cannot pen an Act more strongly directed against taking bribes, upon any pretence whatever. This Act of Parliament was in affirmance of the covenant and the directions of the Company, which order the same thing. They forbid any person—

"By himself or by any other person or persons whomsoever in trust for him, or for his use, directly or indirectly, accept, take or receive, or agree to accept, take or receive, any gift or grant of lands, or rents, or revenues issuing out of lands, or any territorial possession, jurisdiction, dominion, power, or authority whatsoever, from any of the Indian princes, sovereigns, subadars, or nabobs, or any of their ministers, servants or agents, exceeding the value of 4,000 rupees, for any service or services performed or to be performed by the said Warren Hastings in India, or upon any other account or pretence whatsoever, without the like licence or consent of the said Court of Directors of the said United Company signified as aforesaid; nor any such reward, gratuity, allowance, donation or compensation, exceeding the value of 1,000 rupees and under the value of 4,000 rupees, without the licence or consent of the President and Council for the time being of the presidency or settlement where the said Warren Hastings shall be employed; and that he, the said Warren Hastings, shall and will convey, assign and make over, to the said United Company, for their sole and proper use and benefit, all and every such gifts or grants of lands, or rents, or revenues issuing out of lands, or any such territorial possession, jurisdiction, dominion, power, or authority whatsoever, and also account for and pay to the said United Company, for their sole and proper use and benefit, all and every such gifts, rewards, gratuities, allowances, donations, or compensations whatsoever."*

The nature of the covenant, the Act of Parliament, and

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* Extract from Covenant signed by Warren Hastings.—Printed in the "Minutes of the Evidence," p. 959.

the Company's orders, are clear. First, they have not hindered their Governor General nor any of their Governors from taking and accepting from the princes of the country, openly and publicly, for their use, any territories, lands, sums of money or other donations, which may be offered in consequence of treaty or otherwise. It was necessary to distinguish between the two species of acceptance, because many occasions occurred apparently in consequence of treaties, when fines were paid to the Company, that they should be received in the Company's treasury as an open and known proceeding. It was never dreamed of that that should justify the taking bribes, privately and clandestinely, of the person himself for future application. It is declared that they should be the property of the Company. Why? As a means of recovering them out of corrupt hands that had taken them; and, therefore, that was not a licence for bribery, but a prohibitory and penal clause, to make the means of coercing and making that provision stronger.

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Clause allowing open receipt of presents for the Company's use in certain cases.

Abused by Mr. Hastings.

Now Mr. Hastings has found out that that very coercive clause, which was made in order for his superior to get at him and punish him for bribery, is a licence for him to receive bribes. He is not only a practitioner of bribery, but a professor—a doctor—upon the subject; and therefore his opinion is, that he should take bribes, contrary to the true intent and meaning of those presents—that is, bribes to himself; and that the penal clause which the Company attached to it, to have it constructively declared to be theirs in order to recover it out of his hands—he considers that prohibitory clause as a licence to receive bribes—to extort money—to go with the very prohibition in his hand, the very means by which he was to be restrained from exercising an unlimited bribery, peculation and extortion, over the unhappy natives of the country. Whether you consider this to become the property of the Company or not, undoubtedly it is contrary to the true intent and meaning of his covenant. The true intent and meaning of his covenant is, that he shall not take bribes for his own use. The means of preventing it is, by declaring them the property of the Company. How can the Company ever get them? Which way should they ever get at them? The moment Mr. Hastings finds that the Company has got a scent of any one of his bribes, then he comes forward and says:—"To be sure I took it as a bribe; I admit the party gave it me as a bribe. I concealed it for a time, because I thought it was for the interest

Argument on the meaning of the covenant.

5 May 1789. of the Company to conceal it; but I had a secret intention in my own mind of applying it to their service. You shall have it, but you shall have it as I please and when I please, and this bribe becomes sanctified the moment I think fit to apply it to your service."

Now can it be supposed that the India Company or that the Act of Parliament meant to make a declaration that the property taken by a corrupt servant, contrary to the true intent of his covenants, should become a licence for him; and that the manner in which they are to get a revenue was to be a breach of the very covenants, which were meant to prevent extortion, peculation and corruption? What sort of body is the India Company which, becoming upon the verge of bankruptcy by the robbery of half the world, is afterwards to be recruited by the alms of peculation and bribery, by their own servants breaking the covenants imposed upon them? It is an odd body to be so fed and supplied.

The constitution of revenue that he has made is a very singular thing. It is a revenue to be taken by any officer of the Company—for they are all alike forbidden and all alike permitted—to be taken by any person from any person, at any time, in any proportion, by any means, and in any way he pleases, and to be accounted for or not to be accounted for at the pleasure of the taker; and if it is applied, to be applied at his discretion, and not at the discretion of his employers. I will venture to say that such a system of revenue never was before thought of.

Fraudulent system of accounts.

The next part is an exchequer that he has formed corresponding with it. He has formed an exchequer, made out of the Company's servants; and you will see it exemplified fully and proved before you, that this exchequer is made up of officers ostensibly in the Company's service, who, while they kept a public accountant and public treasurer, are used by Mr. Hastings as an accountant and treasurer of bribes, accountable not to the Company but to him, acting in no public manner, and never acting but upon his requisition; concealing all his frauds and artifices to prevent detection and discovery. In short, it is an exchequer in which extortion is the assessor—in which fraud is the treasurer—confusion the accountant—oblivion the remembrancer! These are not mere words; but, as I go through the detail, I will exemplify them practically, and show in fact that every one of these things I state are the truth. Your Lordships will see too that these men are bound by the condition of their fidelity

to Mr. Hastings—or recognised fidelity—to keep back his secrets—to change the accounts—to alter the items—to make him debtor or creditor at pleasure; and by that means to throw the whole system of the Company's accounts into confusion. 5 May 1789.

I have stated that it is absolutely impossible that any such revenue should be intended, much less that it should be brought out and drawn from the very prohibitions to bribery; that out of those very prohibitions an exchequer of bribery should be formed upon the principles I have stated: that you will not dishonour this legislature; that, be the Company what it will, you can never imagine the Company to give any sanction to it; that no such device ever entered into the head of any rational man. Then you are to judge whether it is not a device to cover guilt—to prevent detection, ruining and destroying it. And, at the same time, your Lordships will judge whether the evidence we bring you, to prove that it is an idle pretext, be stronger than the strange, absurd, reasons which he has produced for forming this new plan of an exchequer of bribery.

Letter of Mr. Hastings, declaring the stringency of the Act in regard to a donation to the troops.

My Lords, I am now going to read to you a letter, in which Mr. Hastings declares his opinion upon the operation of the Act which he now has found the means, as he thinks, of evading. My Lords, I tell you, to save you a good deal of reading, that there was a certain prize money given by Suja-ud-Dowla to a body of the Company's troops serving in the field; that this prize money was to be distributed among them. But, application being made to Mr. Hastings for his opinion and sanction in the distribution, Mr. Hastings at first seemed inclined to give way to it, but afterwards, upon reading and considering the Act of Parliament, before he allowed the soldiery this public donation, he describes his opinion of the operation of the Act:—

"Dear Sir,—I received your favour of the 8th inst. on the 27th, as I was on the point of despatching letters which I had already written and closed to the Vizier, the Resident and yourself, on the subject of the Vizier's intentions communicated to me by Mr. Nath. Middleton to reward the services of the brigade in the manner in which your letter informs me he has since carried it into execution. Your letter placing the subject in a new point of view determined me to suspend my despatches until I had taken the sense of the members of the committee upon their contents; by their advice, I now forward to you the letter which I had before prepared; and I am authorized by Messrs. Aldersey and Dacres to declare that they concur with me in the sentiments therein expressed. Your letter I have laid before them in select committee, and it was agreed to refer it to the Council at large, as we did not think ourselves, as a

5 MAY 1789. committee, authorized to give our assent to the donation, the mode of it not being strictly conformable to the past resolutions of the Board, nor considered in respect to the time to the order of the Court of Directors: it was accordingly referred, and the 'Board readily consented to give their sanction to the Vizier's donation and to empower the troops to receive it. But they could not help disapproving of the manner in which this transaction had been conducted, for the following reasons: because it was more the appearance of a stipulation made for future services than a return of gratitude for past; because, by the declaration of the Vizier, which provides against a refusal on my part and by your own publication of his intention to the army, notwithstanding the reserve admitted of the sanction of government, the government is in effect precluded from deciding upon it, and because in both these points of view the donation is repugnant to the sense of the Court of Directors in the order above alluded to.' In this manner the Board had formed their determination, but it did not then occur to us to consult the new Act of Parliament, a surmise on this subject was only suggested before we broke up. Upon a reference, however, to it, I was much disappointed and sorry to find that our intentions were entirely defeated by a clause in the Act (to be in force after the 1st of August 1774) which deprives and divests us of the power to grant and expressly prohibits the army to receive the Nabob's intended donation. I inclose a copy of this clause, although I make no doubt of your having received the Act from your correspondents. Agreeable to the positive sense of this clause, notwithstanding it is expressed individually, there is not a doubt but the army is included with all other persons in the prohibition from receiving presents or donations, a confirmation of which is that in the clause of exceptions, wherein 'councillors at law, physicians, surgeons, and chaplains are permitted to receive the fees annexed to their profession,' no mention whatever is made of any latitude given to the army, or any circumstances wherein it would be allowable for them to receive presents. This point it seems was particularly debated in the House. Lord Clive stated the cases wherein he thought it would be proper and necessary to allow the army to receive gratuities or presents, but his reasoning was overruled and no exception admitted in favour of the army. This unlucky discovery of an exclusion by Act of Parliament, which admits of no abatement or evasion wherever its authority extends, renders a revisal of our proceedings necessary, and leaves no option to our decision; it is not like the ordinances of the court of Directors where a favourable construction may be put, and some room is left for the interposition of the authority vested in ourselves; but positive and decisive, admitting neither of refinement nor misconstruction. I should be happy if in this instance a method could be devised of setting the act aside, which I should most willingly embrace; but in my opinion an opposition would be to incur the penalty.*

Your Lordships see, Mr. Hastings considered this Act to be a most unlucky discovery. Indeed, as long as it remained in force, it would have been unlucky for him, because it would have destroyed one of the principal sources of his illegal profits. Why does he consider it unlucky? Because

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* Extract of a letter from Mr. Hastings to Col. Champion, 31 August, 1774. —Printed in the "Minutes of the Evidence," &c., p. 970.

it admits of no reservation—no exception—no refinement whatever; but it is clear, positive, decisive. Then in what case was it that Mr. Hastings made this determination? In the case of a donation publicly offered to an army serving in the field, by a prince then independent of the Company. Now, if ever there was a circumstance in which any refinement, any favourable construction of the Act, could be used, it was in favour of a body of men serving in the field, fighting for their country, spilling their blood for it, suffering all the inconveniences of that climate. It was undoubtedly voluntarily offered to them by the party, in the height of victory, and enriched by the plunder of whole provinces. I believe your Lordships will agree with me that, if any relaxation, any evasion, of an Act of Parliament could be used at the instant—if they could for a moment trifle with the intention of the legislature, or make it for a moment doubtful whether the case came within the intention of the legislature—it was this. And yet, upon the rigour of the Act, Mr. Hastings refuses that army the price of their blood, won solely almost by their arms from a prince who had acquired millions by their bravery, fidelity and suffering. This was the case in which Mr. Hastings refused a public donation to the army; and from that day to this they have never received it.

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The particular case justified a favourable construction of the Act.

If this public donation was so forbidden, how comes it that Mr. Hastings has since learned that he may privately take money—and take it, not only from princes and persons in power and abounding [in wealth], but, as we shall prove, from persons in the last degree of penury and distress; that he could take it from persons in office and trust, with power over the people, with a means of ruining them for the purpose of enabling them to pay it? Consider in what situation the Company must be, if he can form such a secret exchequer, discovered by himself for their service, by direct bribes, given *eo nomine* as bribes, and accepted as such from the persons in the transaction, with only the inward reservation that I speak of. In the first place, if Mr. Hastings should die, or if any body should imitate his example without his heroic good intentions in doing such villanous acts—if any person hereafter, or any person following his example, should come into such a situation—how is the Company to recover it? The receivers need not divulge it till they think fit; and, the moment an informer comes, that informer is ruined. A person comes

Money taken by Mr. Hastings himself, under pretence of applying it to the Company's use.

Danger of the system.

Difficulty of detecting the transaction.

5 May 1789. to the Governor General and Council and charges—say not Mr. Hastings, but the head of the board of revenue, with receiving a bribe,—"Receive a bribe? So I did: but it was with an intention of applying it to the Company's service." "There I nick the informer: I am beforehand with him: I will ruin the fellow, because it is sanctified by my inward jesuitical intention—and, which is a merit for the Company, I received 40,000*l.* as a bribe. There it is for you. I am acquitted. I am a meritorious servant. Let the informer go and seek right as he can." If an informer is once instructed that a person who receives bribes can turn them into merit and take away his action from him, do you think that you ever will or can discover any one bribe? By this method disclose but one bribe, and you secure all the rest that you possibly can receive upon any occasion. "It is said strong report prevails that you took such a bribe?" "Aye, I did take a sum of money but not that sum of money. I took 40,000*l.* but not that 40,000*l.*" So that, by stating that you have taken some money which you have accounted for, but concealing who that money came from, which is exactly Mr. Hastings' case, if any informer comes and discovers a bribe of 40,000*l.*—it may be said—"Lord! this is the 40,000*l.* I told you of." If it is broken into fragments—paid by instalments—"Lord! this is what I told you of, and you have taken it and put it into your own coffers."

Means of concealment.

Impossibility of recovering the money, when received by an agent.

Suppose he takes it through the hand of an agent, such as Gunga Govind Sing. Gunga Govind Sing falls in debt; and we have discovered lately that, of a 40,000*l.* which Mr. Hastings received by one bribe agent, his bribe agent kept back half; I desire to know what the Company can do in such a case. Gunga Govind Sing has entered into no covenants with the Company. There is no trace of his having this money, except what Mr. Hastings chooses to tell. If he is called upon to refund it to the Company, he may say he never received it; that he was not ordered to extort money from the people; and he may set up this defence—"I did not receive this money, for I was forbid to receive it, and I will not make a declaration which will subject me to penalties,"—or he may say, in India, before the Supreme Court—"I have paid it all to Mr. Hastings."—And then there must be a bill there and a bill here, and by that means, having one person on one side the water and the other on the other, they may never come to a discovery of it.

And this is the way with one of his great agents, which I shall show in evidence and touch upon in the course of my speech. 5 May 1789.

Case of 20,000*l.* kept back by Gunga Govind Sing.

Mr. Hastings had squeezed out of a miserable country a bribe of 40,000*l.*, of which he was enabled to bring to the account of the Company only 20,000*l.*, and which we should not even have known of the existence of, if the inquiries pursued with great diligence by the House of Commons had not extorted it; and, even now we know the fact, we can never get at the money—the Company can never receive it; and, before the House had squeezed out of him that some such money had been received, he never once told the court of Directors that his black bribe agent, whom he recommended to their service, had cheated both them and him of 20,000*l.* out of the fund of the bribe revenue. If it is asked, where is the record of this?—record there is none. In what office is it entered? It is entered in no office; it is mentioned as privately received for the Company's benefit; and you shall see what a charming office of receipt and account this new exchequer of Mr. Hastings is.

Power in the offerer of the bribe to recover his money.

Now there is another and a more serious circumstance. Every one knows that, by the law of this or any country, any money which is taken illegally from any person—which any bribe or sum of money extorted is—money paid without consideration—belongs to the person who paid it, and he may bring his action for it and recover it. Then see how the Company stand. The Company receive a bribe of 40,000*l.* by Mr. Hastings. It is carried to their account. They turn bribery into a revenue: they sanctify it. In the mean-time, the man from whom this money is illegally taken sues Mr. Hastings. Must not he recover of Mr. Hastings? Then, if so, must not Mr. Hastings recover again from the Company? The Company undoubtedly are answerable for it. And here is a revenue which every man who has paid it may drag out of the treasury again and put to his own proper use. I have a case in my eye in which this very thing is attempting at this moment, but which, whether it is or not the thing, stands directly on the same ground. Mr. Hastings' donations of his bribes to the treasury are liable to be torn from it at pleasure by every man who gives them, first from him who receives them, and then he may recover them from the treasury to which he has given them.

Engagement of the Company to

I am to state to your Lordships another circumstance—that, if bribes can be sanctified by turning them to the use

5 MAY 1789.

restore money improperly taken.

of the Company, the Company in such a case, if the money has been applied, has covenanted itself that money taken extorsively, as Mr. Hastings has covenanted, shall belong to the Company—but for what end and purpose? It is to award satisfaction and reparation to be made by the said Warren Hastings to the said Company. For whom? For the Company's benefit? No; for the benefit of such injured persons—to be carried to their account—

"But in trust nevertheless, and to the intent that the said Company may and do render and pay over the money received or recovered by them to the parties injured or defrauded, which the said Company accordingly hereby agree and covenant to do." *

Now, here is a revenue to be received by Mr. Hastings for the Company's use, applied at his discretion to that use, and which the Company has previously covenanted to restore to the persons that are injured and damaged by them. This is a revenue which is to be torn away by the action of any person—a revenue which they must return back to the person complaining, as they in justice ought to do; for no nation ever avowed making a revenue out of bribery and peculation. They are to restore it back again. How can they restore it? Mr. Hastings has applied it; he has given it in presents to princes—laid it out in budgerows—in pen, ink and wax—in salaries to secretaries: he has laid it out just in any way he pleased, and the India Company, who have covenanted to restore all this money to the persons from whom it came, are deprived of all means of so just a duty. Therefore, I put by the idea that any man could have a good intention in his mind. It is too weak, senseless and absurd. Only in a desperate cause he made a desperate attempt, when he knew he was discovered in these bribes—for we shall prove that he never made a disclosure without thinking that a discovery had been previously made or was likely to be made—and that that discovery was attended with all the circumstances of a wicked and abominable concealment.

You will see the history of this new scheme of bribery, by which Mr. Hastings contrived by avowing some bribes to cover others, and to attempt to outface his delinquency, and to endeavour, if possible, to reconcile the weakest breach of the laws with a sort of spirited observance of them, and to

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* Extract from covenant signed by Warren Hastings.—Printed in the "Minutes of the Evidence," p. 960.

become infamous for the good of his country. The first appearance of this practice of bribery was in a letter of the 29th of November, 1780. The cause of this discovery was a dispute between him and Mr. Francis, at the Board, on occasion of a very handsome offer made by Mr. Hastings to the Board, relative to a measure he proposed, to which he found one of the objections to be the money that it would cost. He made the most generous and handsome offer, as it stands upon the record, that any man ever did—namely, that he would defray the expense out of his own private cash, stating that he had deposited with the treasurer two lacs of rupees. This was on the 26th of June, 1780, and Mr. Francis soon after came to Europe. I need not inform your Lordships that Mr. Hastings had been charged with bribery and peculation by General Clavering, Colonel Monson and Mr. Francis, and that he did suspect that Mr. Francis, then going to Europe, would charge him with something, from the suspicious nature and circumstances of this generous offer, and from some private connection which he supposed and which we can prove he thought Mr. Francis had with Cheyt Sing—that he might discover and bring this bribe to light, some way or other; and therefore he resolved to anticipate such information as he thought would be given, by declaring afterwards, upon the 29th of November, that this money was not his. I will mention to your Lordships hereafter the circumstances of this money. He says:—

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Attempted concealment of a bribe received from Cheyt Sing.

His offer of an advance of two lacs of his own money.

Subsequent avowal, from apprehension of discovery, that the money belonged to the Company.

"My present reason for adverting to my conduct"—"that is his offer of two lacs of rupees out of his own private cash for the Company's service, upon the 26th of June, 1780—"on the occasion which I have mentioned, is to obviate the false conclusions or purposed misrepresentations which may be made of it, either as an artifice of ostentation or as the effect of corrupt influence, by assuring you that the money, by whatever means it come into your possession, was not my own, that I had myself no right to it, nor would or could have received it, but for the occasion which prompted me to avail myself of the accidental means which were at the instant afforded me of accepting and converting it to the property and use of the Company, and with this brief apology I shall dismiss the subject."*

My Lords, you see what an account Mr. Hastings has given of some obscure transaction, by which he contradicts the record; for, on the 26th of June, he generously, nobly,

* Letter of Mr. Hastings to the Court of Directors, dated 29th November, 1780.—Printed in the "Minutes of the Evidence," p. 1103.

5 May 1789. full of enthusiasm for their service, offers to the Company money of his own. On the 29th of November, he tells the court of Directors that the money he offered on that day was not his own; that his assertion was totally false; that the money was not his; that he had no right to receive it; and that he would not have received it, but for the occasion which prompted him to avail himself of the accidental means which at that instant offered.

Now, when this came to the Company, they first consider the situation of an officer of India acting as an accountant—and all matters are matter of account with them. On the 26th of June, he offers a large sum of his own, to be applied to their occasions. On the 29th of November, he says this sum is not his own; but he never tells them by what means he came at it—the person from whom he received it—the occasion upon which he received it, whether justifiable or no, or any one circumstance under heaven relative to it: and, therefore, he set the Company blindly groping in the dark, by the very pretended light, the *ignis fatuus*, which he held out to them, saying—"I have taken money. I will not tell you by what means I came by it. It was not my own. I had no right to it; and I would not have taken it, if I had not been greatly tempted by the occasion." This is a very extraordinary account to give to the public of a sum, which we find to be somewhat above 20,000*l.*, taken by Mr. Hastings in some way or other, that for that time was all in the dark and in a cloud; and this is what Mr. Hastings calls information communicated to the Company on the subject of these bribes. This account is obscure; but you have heard of obscurity illustrated by a further obscurity. He continues, "Something of affinity to this anecdote may appear in the first aspect of another transaction which I shall proceed to relate, and of which it is more immediately my duty to inform you." He then tells them that he had contrived to give a sum of money to the Raja of Berar; and the account he gives of that proceeding is this:—

His concealment of the source of receipt of the money.

His reference to a sum of money given to the Raja of Berar.

"We had neither money to spare, [nor, in the apparent state of that Government in its relation to ours, would it have been either prudent or consistent with our public credit to have afforded it. It was, nevertheless, my decided opinion that some aid should be given, not less as a necessary relief than as an indication of confidence, and a return for the many instances of substantial kindnesses which we had within the course of the two last years experienced from the Government of Berar. I had an assurance that such a proposal would receive the acquiescence of the

Board, but I knew that it would not pass without opposition, and it would have become public, which might have defeated its purpose. Convinced of the necessity of the expedient, and assured of the sincerity of the government of Berar, from evidences of stronger proof to me than I could make them appear to the other members of the Board, I resolved to adopt it, and take the entire responsibility of it upon myself. In this mode a less considerable sum would suffice. I accordingly caused three lacs of rupees to be delivered to the minister of the Rajah of Berar, resident in Calcutta. He has transmitted it to Cultac. Two thirds of this sum I have raised by my own credit, and shall charge it in my official accounts. The other third I have supplied from the cash in my hands belonging] to the honourable Company." 5 May 1789.

Your Lordships see in this business another mode which he has of accounting with the Company and informing them of his bribes. He begins it first by saying that it has something of affinity to this anecdote—meaning his first account. An anecdote is a head of account that I believe none of your Lordships ever have heard of, and I believe is yet to be learned in this commercial nation and this nation of accurate official account. The first account he gives of it is an anecdote; and what is the second? A relation of an anecdote; not a near relation but something of affinity—a remote relation—cousin three or four times removed—of the half blood, or something of that kind, to this anecdote; and he never tells you any circumstance of it whatever, of any kind, but that it has some affinity to the former anecdote.

But, my Lords, the thing which comes to some degree of clearness is this—that he did give money to the Raja of Berar: and your Lordships will be so good as to advert carefully to the proportions: he did give him two lacs of rupees of money, raised by his own credit—his own money; and the third he advanced to him of the Company's money in his hands. He might have taken the Company's money undoubtedly, fairly, openly, for a hundred purposes; and, therefore, he does not say that even that third was money he had obtained by bribery and corruption. No such thing. It is money of the Company's he had in his hand. So that you must get through a long train of construction before you ascertain that this is what it turns out to be—a bribe, which he retained for the Company. He is still generous. As he offered the whole of his first bribe as his own, and afterwards discovered that no part of it was his own, so he is now generous again in this letter, in which he says he was not generous nor just, for that he took the money without right, and that he did not apply it to the very

Two thirds of the money given his own, and one third the Company's.

5 MAY 1789. service for which it was pretended. He now tells you of another anecdote, which he says has an affinity to that anecdote; and now he is generous again. First he was generous and just because he gave his own money, which he had a right to dispose of. Then he tells you he is neither generous nor just, for he had taken money he had no right to, and did not apply it to the service which he pretended to apply it to. And now he is generous again, because he gives two lacs of his own money; and just, because he gives one lac which belonged to the Company; but there is not an idea that he took it from any body.

His subsequent claim of the whole money, and bonds taken for it.

In this letter he tells you he had given two thirds his own money and one third the Company's money. So it stood upon the 29th of November, 1780. On the 5th of January following we see the business take a totally different turn: and then Mr. Hastings calls for three Company's bonds upon two different securities, antedated to the 1st and 2nd of October, for the three lacs, which he before told them was two thirds his own money, and one third the Company's. He now declares the whole of it to be his own, and he applies by letter to the Board, of which he himself was a majority:—

"Honourable Sir and Sirs,—Having had occasion to disburse the sum of three lacks of sicca rupees on account of secret services, which having been advanced from my own private cash, I request that the same may be repaid to me in the following manner—a bond to be granted me upon the terms of the second loan, bearing date from 1st October, for one lack of rupees. A bond to be granted me upon the terms of the first loan, bearing date from 1st October for one lack of sicca rupees."*

On the 29th of November he had advanced two thirds of his own to the Company, and employed one third of theirs. On the 5th of January the thing totally changes: all the money is his own and he takes three bonds of the Company. Here are two accounts, one of which must be directly and flatly false; for he could not have given, in one case, two thirds his own and have supplied the other third from money of the Company's, and at the same time have employed the whole as his own. And he goes the full length of the fraud; he declares that it is all his own—so much his own that he does not trust the Company with it, and actually

* Letter of Mr. Hastings to the Court of Directors, dated 5th January, 1781.—Printed in the "Minutes of the Evidence," p. 1105.

takes their bonds as a security for it, bearing an interest, to be paid to him when he thinks proper.

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In a third account it is represented as the Company's money.

Thus it remained from the 5th of January till [the 16th December] 1782, when this business takes another turn, and, in a letter to the Company, these bonds become all their own; all the money advanced is now all of it the Company's money. First, he says two thirds were his own; next that the whole is his own; and the third account is that the whole is the Company's, and he will account to them for it.

Further fraudulent account respecting the bonds.

Now, he has accompanied this account with another very curious one: for, when you come to look into the particulars of it, you will find there are three bonds declared to be the Company's bonds, and which refer to the former transaction—namely, the money for which he had taken the bonds. But, when you come to look at the number of them, you will find that one of the three bonds, which he had taken as his own, disappears, and another bond, of another date and for a much larger sum, is substituted in the place of it, of which he had never mentioned any thing whatever. So that, take his first account—that two-thirds is his own money; then that it is all his own; in the third, that it is all the Company's money; and by a fourth account, in a paper describing the three bonds, you will find that there is one lac which he does not account for, but substitutes in the place a bond before taken as his own. He sinks and suppresses that. He gives two of these bonds to the Company, and, to supply the want of the third which he suppresses, he brings forward a bond for another sum, of another date, which he had never mentioned before. Then here you have four different accounts. If any one of them is true, every one of the other three is totally false. Such a system of cogging—such a system of fraud—such a system of prevarication—such a system of falsehood—never was, I believe, known before in the world.

In the first place, why did he take bonds at all from the Company for the money that was their own. I must be cautious how I charge a legal crime—I will not charge it to be forgery, to take a bond from the Company for money which was their own. He was employed to make out bonds for the Company—to raise money on their credit. He pretends he lent them a sum of money which was not his to lend; but he gives their own money to them as his own and takes a security for it. I will not say that it is a forgery,

5 May 1789. but I am sure it is an offence as grievous, because it is a cheating as much as a forgery could be—with this addition to it, that the person is in a trust. He violates that trust; and, in so doing, he cheats, defrauds and falsifies, the whole system of the Company's accounts.

His explanation of these contradictions.

I have only to show what his own explanation upon all those actions was, because it supersedes all observations of mine. Hear what prevaricating guilt says for the falsehood and delusion which had been used to cover it; and see how he plunges deeper and deeper upon every occasion. At this time, good fortune—as good things seldom come alone—fortune is kind to him, and, when he went up and had nearly ruined the Company's affairs in Oude and Benares, he received a present of 100,000*l.*, or thereabouts. He received bills for it in September, 1781, and he gives the Company an account of it in January, 1782. I shall remark by what means this account was given, and the purposes for which he intends to apply it. He says in this letter,—

Present from the Nawab of 100,000*l.*

His announcement of it to the Directors.

"While the Nabob Vizier was at Chunar, an offer of a very considerable sum of money was made to me both on his part and that of his ministers, as a present. I accepted it without hesitation and gladly, being entirely destitute both of means and credit, whether for your service or the relief of my own necessities."

My Lords, upon that you shall hear a comment made by some abler persons than I. This donation was not made in specie but in bills upon the house of Gopal Doss, who was then a prisoner in the hands of Cheyt Sing. After mentioning this, which he said he took for the Company and for their exigencies, and partly for his own necessities, and in consequence of their distress, he desires the Company, in the moment of that greatest distress, to award it to him, and therefore he ends,—

He asks a donation of of it from the Directors.

"If you should adjudge the deposit to me, I shall consider it as the most honourable approbation and reward of my labours; and I wish to owe my fortune to your bounty. I am now in the fiftieth year of my life. I have passed thirty-one years in the service of the Company, and the greatest part of that time in employments of the highest trust. My conscience allows me boldly to claim the merit of zeal and integrity, nor has fortune been unpropitious to their exertions. To these qualities I bound my pretensions. I shall not repine if you shall deem otherwise of my services, nor ought your decision, however it may disappoint my hope of a retreat adequate to the consequence and elevation of the office which I now possess, to lessen my gratitude for having been so long permitted to hold it, since it has at least enabled me to lay up a provision with which I can be contented in a more humble station."*

* Printed in the "Minutes of the Evidence," p. 1112.

Incidentally your Lordships will observe, respecting this letter and this present, which he took for himself and wanted the Directors to apply to himself, the circumstances of his condition of life and his fortune, to which he appeals and for which he desires this money. In 1773, your Lordships remember that he had said, and that I stated to you from himself—that, if he held his then office for a very few years, he should be enabled to lay by an ample provision for his retreat. About ten years after that time, namely, in the month of January, 1782, he finds himself rather pinched with want, but, however, not in so bad a way but that the holding of that office had enabled him to lay up a provision, with which he could be contented in a more humble station. He wishes to have affluence; he wishes to have dignity; he wishes to have consequence and rank; but he allows that he has competence. Your Lordships will see afterwards how miserably disappointed we are in this hope; for the court of Directors, receiving this letter from Mr. Hastings, did declare that they could not give it to him, because the Act had ordered that "no fees of office, perquisites, emoluments or advantages, whatever, should be accepted, received or taken, by such Governor General and Council, or any of them, in any manner or on any account or pretence whatsoever." 5 May 1789.

Refusal of the request by the Directors.

"And as the same Act further directs 'That no Governor General or any of the Council, shall directly or indirectly accept, receive or take, of or from any person or persons, in any manner, or on any account whatever, any present, gift, donation, gratuity or reward, pecuniary or otherwise, or any promise or engagement for any present, gift, donation, gratuity or reward,'—we cannot, were we so inclined, decree the amount of this present to the Governor General, and as it is further enacted—'That any such present, gift, gratuity, donation, or reward, accepted, taken, or received, shall be deemed and construed to have been received to and for the sole use of the Company.'"*

Therefore, they were resolved, most unjustly and most wickedly, to keep it to themselves. The Act made it the property of the Proprietors, and they would not give it him. And one should think this, with his own former construction of the Act, would have made him cautious of taking bribes. You will see what weight it had with him, to stop the course of bribes which he was in such a career of taking, in every place and with both his hands.

Your Lordships have now before you this 100,000*l.*, dis-

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* Extract from letter of the Directors to Mr. Hastings, dated 15th January, 1783.—Printed in the "Minutes of the Evidence," p. 559.

5 May 1789. covered upon the 20th of January. You find mystery and concealment in every one of Mr. Hastings' discoveries; and, which is a curious part, this letter was not sent to the court of Directors in their packet, regularly, but transmitted by Major Fairfax, one of his agents, to Major Scott, another of his agents, to be delivered to the Company. Why? Your Lordships will judge whether from that circuitous mode he did not leave some discretion in his agent to divulge it. We are told he did not; but your Lordships will believe that or not according to the discovery of the fact. The regular way, if he was anxious to discover this to the Directors, would have been, to send it to the Directors immediately in the packet; but he sent it in a box to an agent, and that agent, upon due discretion, conveyed it to the court of Directors. And here he tells you nothing about the persons from whom he received it. The first account of the first sum told them that he had taken a sum which he had no right to take; but he did not mention the person. This account tells you he had taken a third sum which he had no right to take but did take; he never tells you from whom he received that, nor the channel through which he received it.

Mr. Hastings' letter, acknowledging the present sent to the Directors by an agent.

His concealment of the persons from whom the presents were received.

Delay in giving an account of the present to the Directors.

On the 5th of February following this Patna letter, he came down to Calcutta with a mind agitated; all his hope of robbing Benares had totally failed. The produce from robbing the Begums, in the manner your Lordships have heard, was all dissipated to pay the arrears of the armies. There was no fund produced. He felt himself agitated—full of dread—knowing that his place had been threatened to be taken away from him several times; that he should be called home to render an account. He had heard that inquiries had begun in a menacing form in Parliament, and, though at that time Bengal was not struck at, there was a charge of bribery and peculation brought against the Governor of Madras.* With this dread—with a mind full of anxiety and perturbation—he writes a letter, as he pretends, on the 22d of May, 1782. Your Lordships will remark that he came down to Calcutta from his expedition in February; that he did not till the 22d of May give any account whatever of these transactions; and that this letter or pretended

* The Secret Committee to inquire into the causes of the war in the Carnatic was appointed on the 30th of April, 1781. Resolutions censuring Sir Thos. Rumbold, President of Madras, were voted by the House of Commons, 9th April, 1782.

letter of the 22d of May was not sent till the 16th of December following. We shall clearly prove that he had abundant means of sending—and that by various ways—before the 16th of December, 1782, in which he incloses his letter of the 22d of May, 1782. These are new discoveries. They are like many new discovered lands, exceedingly inhospitable, very thinly inhabited, and producing nothing to gratify the curiosity of the human mind. This is the letter of discovery. Here was the letter by which his breast was to be laid open to his employers, and all the obscurity of his transactions to be elucidated. It is addressed to the honourable the court of Directors; dated Fort William, 22d May, 1782. He told them he had promised to account for the ten lacs of rupees, which he had received, and this promise he says he now performs; and he takes that opportunity of saying that he can account with them likewise for several other sums which he had taken at the same time.

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Mention made by him of other sums received.

"This promise I now perform, and deeming it consistent with the spirit of it, I have added such other sums as have been occasionally converted to the Company's property through my means, and in consequence of the like original destination. Of the second of these you have been already advised in a letter which I had the honour to address the honourable court of Directors, dated 29th of November, 1780. Both this and the third article were paid immediately to the treasury, by my order to the sub-treasurer to receive them on the Company's account, but never passed through my hands. The three sums for which bonds were granted were in like manner paid to the Company's treasury, without passing through my hands, but their approbation was not specified. The sum of 50,000 current rupees was received while I was on my journey to Benares, and applied as expressed in the account. As to the manner in which these sums have been expended, the reference which I have made of it in the accompanying account to the several accounts in which they are credited, renders any other specification of it unnecessary, besides that those accounts either have or will have received a much stronger authentication than any I could give to mine."

I wish your Lordships to attend to this paragraph, because it will explain why he took bribes at all; why he took bonds for some of them, as if moneys of his own and not moneys of the Company; why he took bonds for these; why he entered some upon the Company's accounts, and why of the others he renders no account at all. Here he gives an account, and light will beam upon you as we proceed:—

"Why these sums were taken by me, why they were, except the second, quietly transferred to the Company's use; why bonds were taken for the first and not for the rest, might, were this matter to be exposed to the view of the public, furnish a variety of conjectures to which it would be of little use to reply. Were the honourable court to

5 May 1789. question me upon these points, I would answer that the sums were taken for the Company's benefit, at times in which the Company very much needed them; that I either chose to conceal the first receipts from public curiosity by receiving bonds for the amount, or possibly acted without any studied design, which my memory could at this distance of time verify, and that I did not think it worth my care to observe the same means with the rest. I trust, honourable Sirs, to your breasts for a candid interpretation of my actions, and assume the freedom to add that I think myself on such a subject, on such an occasion, entitled to it."*

He states himself unable to explain why he took the several sums.

Lofty, my Lords! You see that, after the Directors had expected an explanation for so long a time, he says—"Why these sums were taken by me, why they were, except the second, quietly transferred to the Company's use, why bonds were taken for the first and not for the rest, I cannot tell. If this matter were exposed to view it would furnish a variety of conjectures. Here is an account which is to explain the most obscure, the most mysterious, the most evidently false and fraudulent, account of his transactions, and when asked how he came to take these bonds—how he came to use these frauds—he tells you he really does not know; that he might have this motive for it, he might have another motive for it: he wished to conceal it from public curiosity; but, which is the most extraordinary, he is not quite sure that he had any motive for it at all which his memory can trace.

Nor why bonds were taken for some and not for others.

The whole of this is a period of a year and a half; and here is a man who keeps his account upon principles of whim and vagary. One would imagine he was guessing for some motive of a stranger. He does not know why he came to take bonds for money not due to him, and why he enters some and not others: he knows nothing of these things. He begs them not to ask about it, because it will be of no use. "Your foolish court of Directors may conjecture and conjecture on. You are asking me why I took bonds to myself for money of yours—why I have cheated you—why I have falsified my account in such a manner—I will not tell you." The satisfaction he gives them is without mentioning the persons, the times, the occasions or motives, for any of his actions. He adds—"and that I did not think it worth my care to observe the same means with the rest." For some purposes he thought it necessary to use the most complicated and artful conceal-

* Letter of Mr. Hastings to the Secret Committee of the court of Directors, dated 22nd May, 1782.—Printed, as above, p. 1114.

5 May 1789.

ments; for some he could not tell what his motives were; and for others, that it was mere carelessness. Here is the exchequer of bribery! Have I falsified any part of my original stating of it? An exchequer in which the man who ought to pay receives; the man who ought to give a security—the man who ought to take an account—says he has forgot,—which makes me say oblivion was the remembrancer—and that it will be of no use to inquire into it. This is the manner in which the account of near 200,000*l.* is given to the court of Directors!

Concealment of his transactions by means of the Company's accountants.

You know nothing in this business that is any way distinct, but a premeditated design of concealment of his transactions: that is avowed. But there is a serious thing:—Who were the instruments of his concealment? No other, my Lords, than the Company's public accountants. He says the money was given into his hands as the public money. That very same accountant takes that money, knowing it to be pretended to be taken for the Company's account: he sees Mr. Hastings make out bonds to himself for it. See what a confederacy! He sees him make out bonds for sums for bribes taken, and Mr. Hastings makes him enter him as creditor; when, in fact, he was a debtor. He gives him bonds, when he ought to have taken them. This proves that he is guilty of fraudulent and corrupt acts, covered by false representations, which are not false by collation with anything else, but false by collation of themselves. But he debauches the Company's accountant. He makes him first, in secret, receive these bribes, and afterwards enters Mr. Hastings publicly as their creditor, and taking bonds as their creditor, when he ought in reality to appear there in the character and description of debtor. This is the account. And in this insolent, saucy, careless, negligent manner, a public accountant like Mr. Hastings—a man bred up a book-keeper in the Company's service, who ought to be exact, physically exact, in account—has not only been vicious in his own account, but made the public accounts vicious and of no value. Look at the account. Mr. Hastings received three bonds: for what? For money he advanced to the Company. Look into the accounts: he received three bonds for money that was theirs. Here are circumstances that make the guilt of a forgery aggravated by a breach of trust, and falsifying the Company's accounts.

Interval between the

There is in this account a curious circumstance with regard to the deposit. He states that he had made a deposit of this

5 May 1789. sum of money, to which he referred in his first paragraph of his letter of the 29th of November. He states that it was then made; that it then passed into the hands of Mr. Larkins, on the 1st of June. It did so; but what is the consequence? On the 1st of June this money passes into the hands of Mr. Larkins, and it is not entered in the Company's account till November following. Now, in all that intermediate space where was it?—what account was there of it? It was entirely a secret between Mr. Larkins and Mr. Hastings, without a possibility of any one discovering particulars relative to it. Here is an account of 200,000*l.* received, juggled between the accountant and him, without a trace of it appearing in the Company's books. Some of those Committees,* to whom, for their diligence at least, I must say the public have some obligation, and for which they ought to have some indulgence, examining into all these circumstances, sent for the Company's books, when they heard that Mr. Hastings had deposited a sum of money in the hands of the Company's sub-treasurer in the month of June. They looked over the books, and they did not find the least trace of any such sum of money, and not any accounts; nor could there be, because it was not paid to them till November following. The accountant had received the money, but never entered it from June till November; then at last have we an account of it? Was it then entered regularly upon the Company's account? No such thing: it is a deposit—

Payment of the money into the hands of the accountant, and entry of it in the accounts.

When at length entered, placed to Mr. Hastings' credit.

"Carried to the Governor General's credit, in the 12th page of the deposits' journal of 1780, 1781, [Mohrs of sorts which had been coined in the mint and produced, as per 358 and 359 pages of the Company's general journal of 1781-81, gold mohrs, 12,861 12 11, or Calcutta siccas, 2,05,788 14 9; Batta, 16 per cent., 32,926 3 6; total, 2,38,715 2 3."]†

My Lords, when this account comes at last—when this money does emerge in the public accounts—whose is it? Is it as the Company's? No: Mr. Hastings'. And here, notwithstanding the obscure account in November, if the Directors had claimed and called for this affinity to an anecdote—if they had called for this anecdote and examined the account—"come, Mr. Hastings, let us see where this money is!"—they would find two lacs and upwards; but it is Mr. Hastings' money not the Company's: it is carried to his credit.

* The Select and Secret Committees appointed in the year 1781, to inquire into affairs of the India Company. See Introduction, p. xxxii.

† Printed in the "Minutes of the Evidence," p. 1115.

And in this manner he hands over this sum, telling them, on the 22nd of May, that, not only the bonds were a fraud, but the deposit was a fraud, and that neither bonds nor deposit did in reality belong to him. Why did he enter it at all? Then, afterwards, why did he not enter it as the Company's? Why make a false entry—to enter it as his own? And how came he, two years after, when he does tell you that it was the Company's and not his own, to alter the public accounts—to make them correct and regular? Then why did he not say, at that time, when he pretends to be opening his breast, from whom he received it, or state any thing to give light to the Company, that they might say here "you ought to receive it"—there "it may be oppressive and a dreadful example"—supposing they had a power of dispensing with bribes at pleasure or dispensing with an Act of Parliament at pleasure? The public accounts could not convict him, and the letter he writes informs them of nothing, but is the completest obscurity. He tells them he cannot account for his motive; he can account for nothing; but there was a sum of money which he entered in November and which he ought to have entered in June, and which when he enters it he enters falsely; and so he claims merit in a bold way for discovering to them that he had falsified the Company's public records; that he had taken three bonds as his own which three bonds were theirs; that he had first given them an account of two parts of the money being his own and a third theirs, and afterwards takes the whole as his own. Afterwards he declared that the whole was theirs; and lastly comes an account—the fourth account—by which it appears that two thirds was theirs and one third his. But, in order to make the balance even, he throws them in, *gratis*, another bond, which they had never heard of before, but which was taken in the same collusive, scandalous, manner; and they are at last entered and confessed to be theirs.

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His various deceptions in regard to the sums received by him.

I have only to state that this was a letter pretended to be written on the 22nd of May. In this letter, your Lordships will observe that he thinks it his absolute duty—and I wish to press this to your Lordships, because it will be necessary in comparison hereafter—that he considered it as his duty to lay open all their affairs to them, to give them a full and candid explanation of his conduct, which he confesses he is not able to do.

Letter of the 22nd of May, offering explanations and claiming the confidence of the Directors.

5 May 1789. "I trust, Honourable Sirs, to your breasts for a candid interpretation of my actions, and assume the freedom to add that I think myself, on such a subject, on such an occasion, entitled to it."

That is—"I have taken many bribes, have falsified your accounts, have reversed the principle of them in my own favour. I now discover to you all these my frauds, and think myself intitled to your confidence upon this occasion."

If all the principles of diffidence—if all the principles of distrust—nay more, if all the principles of conviction of premeditated fraud and delusion—could in any case intitle a man to the severest punishment, they would in this, in which he says he holds himself upon this occasion to be intitled to their confidence and trust. If any of your Lordships had a steward, who told you he had lent you your own money and had taken bonds from you for it, and afterwards told you that that money was neither yours nor his, but extorted from your tenants by some scandalous means, I should be glad to know what your Lordships would think of such a steward. He says,—

"I will take the freedom to add, that I think myself, on such a subject, on such an occasion, entitled to your confidence and trust."

You observe in him a sort of a cavalier expression in this account. You would have thought that, instead of possessing the rigour and severity of an accountant—a bookkeeper—he had been reading some sentimental letters. There is a sort of novel air that runs through all this, that adds to the ridicule and nausea of it—such as oxymel squills. There is something nauseous—something to strike you with horror for the villany of it; something to strike you with contempt for the fraud of it; and something to strike you with utter disgust for the vile and bad taste with which all these base ingredients are assorted.

No mention made of the channels through which the money was received.

Your Lordships will see, when this account comes before you, which is subjoined to this unaccountable letter, that there is not one single syllable, from one end to the other, except by a reference that appears in another place to one of the articles, not one account, though the Company had desired the information, of the channels through which he got them. There is not the least light or glimpse given upon this occasion. We have discovered since whom he got them from, and your Lordships will be struck with horror when you hear it. This letter was written upon the 22nd of May. He

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is quite shocked to find he had no opportunity of discovering it, though he thought himself bound to do it: he does not send the account, which had been delayed two years nearly for some of the articles. On the 16th of December, he writes a letter to tell why he did not send that former letter; but, finding himself in great distress, he gets Mr. Larkins, who was his agent and instrument in falsifying the Company's accounts, to swear that this letter was written upon the 22nd of May, and that he had no opportunity to send it but by the Lively. It afterwards appeared that there were many opportunities to send it. He might have sent it by the Resolution. He felt himself in an awkward situation, because he found that the Parliamentary inquiry might have got from him this notable discovery, contained in the letter of the 22nd of May, "I do not fear the consequence of any Parliamentary inquiry." He need not fear the consequence of any Parliamentary process, if it produces no further discovery than those your Lordships have in the letter of the 22nd of May.

Mr. Hastings' letter of the 16th of December, explaining the delay in sending that of the 22nd May.

Now, here is a very curious letter which I wish to have read, for some other reasons which I shall take the liberty to notice. But one principal reason is, to show that he held it to be his duty to give, and thought it to the last degree dishonourable not to give, the Company an account of those secret bribes. He thought it would reflect upon him and ruin his character for ever if it did not come voluntarily from him, but extorted by terror of Parliamentary inquiry. This is his letter of the 16th December, 1782:—

"The delay is of no public consequence, [but it has produced a situation which, with respect to myself, I regard as unfortunate; because it exposes me to the meanest imputation from the occasion which the late Parliamentary inquiries have since furnished, but which were unknown when my letter was written, and written in the necessary consequence of a promise made to that effect in a former letter to your honourable committee, dated 20th January last. However, to preclude the possibility of such reflections from affecting me, I have desired Mr. Larkins, who was privy to the whole transactions, to affix to the letter his affidavit of the date in which it was written. I own I feel most sensibly the mortification of being reduced to the necessity of using such precautions to guard my reputation from dishonour. If I had at any time possessed that degree of confidence from my immediate employers, which they never withheld from the meanest of my predecessors, I should have disdained to use these attentions. How I have drawn on me a different treatment I know not; it is sufficient that I have not merited it. And in the course of a service of thirty-two years, and ten of these employed in maintaining the powers and discharging the duties of the first office of the British Government in India, that honourable court ought to know whether I possess the integrity and honour which are the first

5 May 1789. requisites of such a station. If I wanted these, they have afforded me but too powerful incentives to suppress the information which I now convey to them through you, and to appropriate to my own use the sums which I have already passed to their credit, by the unworthy, and, pardon me if I add, dangerous, reflections which they have passed upon me, for the first communication of this kind; and your own experience will suggest to you that there are persons who would profit by such a warning. Upon the whole of these transactions, which to you who are accustomed to view business in an official and regular light, may appear unprecedented if not improper, I have but a few short remarks to suggest to your consideration. If I appear in any unfavourable light by these transactions, I resign the common and legal security of those who commit crimes or errors. I am ready to answer every particular question that may be put against myself, upon honour or upon oath. The sources from which these reliefs to the public service have come would never have yielded them to the Company publickly; and the exigencies of your service (exigencies created by the exposition of your affairs and faction in your councils) required those supplies. I could have concealed them, had I had a wrong motive, from yours and the public eye for ever; and I know that the difficulties to which a spirit of injustice may subject me for my candour and avowal, are greater than any possible inconvenience that could have attended the concealment, except the dissatisfaction of my own mind. These difficulties are but a few of those which I have suffered in your service. The applause of my own breast is my surest reward, and was the support of my mind in meeting them. Your applause, and that of my country,] are my next wish in life." *

His claim to the applause of the Directors for acknowledging his bribes.

My Lords, you will observe, at the end of this letter, a man declaring that his first applause is from his own breast, and the next is the applause [of his employers]. Reversing this, and taking their applause first, on what does he ground his hope of their applause? Was it from his former conduct? No; for he says that conduct had repeatedly met with their disapprobation. Was it in consequence of the confidence he knew they had in him? No; for he says they gave more of their confidence to the meanest of his predecessors. Your Lordships observe the style of insolence he constantly uses with regard to all mankind. Lord Clive was his predecessor, Governor Cartier was his predecessor, Governor Verelst was his predecessor,—every man of them as good as him, and yet he says they had given more of their confidence to the meanest of his predecessors. What was to intitle him to their applause? A clear, a full, explanation of the bribes he had taken. Bribes was to be the foundation of his confidence, and the clear explanation of them was to intitle him to it. Strange grounds to build confidence on—the rotten confidence of corruption! A very strange cause to accompany

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* Printed as above, p. 1115.

it—the infamy of avowal! But more; when he pretended to make a discovery of it, he makes no discovery at all. Your Lordships have seen his discovery, which I have not taken upon me to state, but have read his own letter on the occasion. Have you at this moment any light broken into you upon this matter? 5 May 1789.

Pretended avowal of his bribes.

What does he say to the Directors? He looks upon them as a set of low mechanical names—a set of low bookkeepers. He says,—

His resentment at the Directors' requirement of an account.

"Upon the whole of the transactions, which to you who are accustomed to view business in an official and regular light, may appear unprecedented, if not improper, I have but a few short remarks to suggest to your consideration."

You see he himself is an eccentric accountant—a Pindaric book-keeper—an arithmetician in the clouds. If there is no precision in accounts there is nothing worth in them. He treats the Directors as low-born mechanics and base souls, who, in an account, call for precision and explanation. "I know the Directors desired it. They are mean people; they are not of elevated sentiments; they are modest; they avoid ostentation in taking bribes. I am playing cups and balls with them; letting them see a little glimpse, then carrying them fairly away." Upon this he founds the applause of his own breast.

"Populus me sibilat; at mihi plaudo
Ipse domi, simul ac nummos contemplor in arca."

That private plaudit he may have upon this very business, which is a business of money; but the applause of no human creature will he have for giving such an account of it, which he admits to be irregular, uncertain, problematical; which they can make neither head nor tail of. But he despises us, who are representatives of the people, with regular officers and regular finance, for expecting anything like a regular account from him. He is hurt at it; he considers it as a cruel treatment of him. He says—"Have I deserved this treatment?" Observe, my Lords, there is no treatment in the world that had occurred to him; but they did, in a way shameful indeed, abjectly, lowly and pusillanimously, beg of him, as if they were his dependants and not his masters, to give them some light into the account. They desire a receiver of money to tell whom he received it from and how he applied it. He says, they may be hanged for a parcel of mean, contemptible, bookkeepers, and that he will give

He refuses further account.

5 May 1789. them no account. He says—"If you sue me"—There is the point; he always takes security in a court of law. And these people, to whom he ought, as a faithful servant, to give an account, who had by an Act of Parliament specially granted to him the administration of the revenues, he considers to be called upon by them for an account as a gross affront; and then he says he is ready to resign his defence and will answer upon honour or upon oath. Answering upon honour is a strange way they have got in India, as your Lordships may see in the course of this inquiry. He forgets that, being the Company's servant, the Company may bring a bill in Chancery against him, and force him upon oath to give an account; but he has not given them light here, hardly, to afford ground for a fishing bill in Chancery. But then he says, "If you call upon me in a Chancery way or by common law, I really will abdicate all forms and give you some account." In consequence of this, the Company did demand from him an account regularly, as fully and formally as if they had demanded it in a court of justice. He positively refused to give them any account whatever, and they have never had any account, till this very day in which we speak, that is at all clear or satisfactory. And your Lordships will see, as I go through this scene of fraud, falsification, iniquity and prevarication, that, in defiance of his promise—which promise they quote upon him over and over again—he has never given them any account of this matter.

Threatens to appropriate the sums already past to their credit.

He says—and it is a most alarming thing—that by calling him to an account they may provoke him,—to what?

> "To appropriate," he says, "to my own use the sums which I have already passed to your credit, by the unworthy and, pardon me if I add, dangerous reflections which you have passed upon me for the first communication of this kind."

They passed no reflection. They said they would neither praise nor blame him; but pressed him to account for it, for they could not understand it. And, I believe, your Lordships understand it no more than they; for it is not in the compass of human understanding to conceive or comprehend it. "I may be tempted, if you should provoke me, to be not the honest man I am; to falsify your account a second time, and to reclaim those things again which I have passed to your credit; to alter the account by the assistance of Mr. Larkins, and claim those things again." What a dreadful account this is of his dominion over the public accounts—that he has a power of altering the Company's

Reflections on his power of altering

accounts; again, that, having falsified them first in order to deceive them, and then told them of his falsification in order to gain credit with them, if they provoke him he shall take back that credit, and make them debtors where he carried money to their credit. Here he fairly tells you the dominion he has over the Company's accounts; so that, when he afterwards shall plead the accounts, we shall be able to rebut that evidence,—"The Company's accounts are corrupted by you through your agent, Mr. Larkins, and we give no credit to them; because you not only told them you could do so, but we can prove you have reversed the accounts where you had carried money to their account, and that another man might do it if he was provoked to it." What a strange medley of evasion, pretended discovery, real concealment, fraud and prevarication, appears in every part of this letter! 5 May 1789. the Company's accounts.

He wrote the letter upon the 22d of May; kept this letter back to the 16th of December; and during all that period of time you would have imagined he would have prepared himself to give some light and illustration to these dark and mysterious transactions, and which carried fraud upon the very face of them. Did he do so? Not at all. Upon the 16th of December, instead of giving them those clear accounts, he falls into a violent passion for their expecting it. He tells them they are dangerous, and he tells them they know who had profited by it. So he hints some fraud which they had practised or protected, which should strike terror into their breasts. What weight that might have with them I know not; but, now that Mr. Hastings, after having given four false accounts, if any one of which is true the other three must necessarily be false, has thrown the Company's accounts into confusion, and cannot tell, as he says himself, why he did so at last—your Lordships might expect some satisfaction from him; for the Directors continued, in a humble, meek, way, giving him hints that he ought to do it. Absence of explanations in the letter of the 16th December.

You have heard nothing yet but the consequences of their refusing to give him the present of 100,000*l.*, which he had taken from the Nawab. They did right to refuse it: they did wrong to take it to themselves. Now we find him on the river Ganges, in September, 1784. That purifying water of the Ganges, which expiates so many sins of Gentus, one would think would wash Mr. Hastings' hands a little clear of bribery, and would carry out the golden sand. As Discovery of another bribe in September, 1784.

5 May 1789. we have known, in other places they have had a river Paetolus, that turned everything into gold that touehed it; and the Ganges, one would have expected, should wash off some of this guilt from Mr. Hastings. But after he had been in that eourse of bribery, giving them no account of it, standing in utter defiance of their authority, we find him discovering another bribe.

Now here is a bribe upon totally a different principle, upon his own avowal. It is a bribe not pretended to be taken for the use of the Company; a bribe taken absolutely, entirely. He tells them, in that letter, that he has taken between thirty and forty thousand pounds; that he has taken it without right, like the first; that he intends to apply it to his own purposes; and insists upon their sanetion for doing it. He says he has in vain, upon a former occasion, appealed to their honour, liberality and generosity; that he now appeals to their justice, and insists upon it that they shall decree this bribe he has taken—but not telling them from whom, where, or on what account—to his own use. First, he desires to have the bribe he had taken from the Nawab; and now, he takes a bribe from some anonymous person, which he ealls upon their justiee for.

He insists on being allowed to retain it.

Your Lordships remember that, in the letter whieh he wrote from Patna on the 20th of January, he there states his cireumstances to be pretty good; that the tolerable good eireumstanees he was in had arisen from his continuing long in their service. Now he has eontinued two years longer in their service, and he is reduced to beggary. He says,—

Pretends to be in poor circumstances.

> "This is a single example of a life spent in the accumulation of crores for your benefit, and doomed, in its close, to suffer the extremity of private want, and to sink in obscurity."

He thought, in 1773, he could have made an exceeding good fortune by his place. In 1781, he says with gratitude that he had made a deeent private competeney; but in two years after he sunk to the extremity of private want. How does he relieve that want? By taking a bribe. And whom does he desire that bribe to be given to?—to the Company's serviee? No; all pretences of the Company's serviee are eompletely gone; he has taken the bribe to his own use; he intends to keep it to his own use, and he ealls upon the Company to give it. No man has a right to be generous out of another's goods. If taken without right, he eannot justly appropriate them to himself. "Here I call upon your justice." "If you have a just demand upon my treasury,

His claim to the money.

state it, and I will pay it. If it is a demand upon my generosity, state your merits, and I will consider them." "No; I have paid myself by a bribe, and I call upon your justice to restore it." "To its owner?" "No; to keep it myself. Think what a situation the Company is in. I have done a great deal for you. This is a jackall's portion. You have been the lion; I have been endeavouring to prog for you. I am your bribe pander—your factor of corruption; exposing myself to every kind of scorn and ignominy, to insults even, for you. I have been preying and progging for you. I have been going all through the licentiousness and lewdness, wading through every dirt and corruption for your advantage. I am now sinking into private want and extremity. Do give me this." "What, money?" "No; a bribe. Rob the man who gave me this bribe"—for this is his idea of justice—"rob the man who gave me this bribe of his honest money, or money I extorted from him. Vote me"—what, money of your own? that is generous: money you owe me? that would be just. No—"money that you neither owe me nor that I can claim from your treasury, but which I have extorted from another man, and I call upon your justice to give it me." He says,— 5 MAY 1789.

"I am compelled to depart from that liberal plan which I originally adopted, and to claim from your justice—for you have forbid me to appeal to your generosity—the discharge of a debt which I can, with the most scrupulous integrity, aver to be justly due, and which I cannot sustain."

"If any of the Company's servants shall say I have been extravagant, profuse, it was all meant for your good. Let me prey upon the country at my pleasure: license my bribes, frauds and peculations, and then you do me justice." What country are we in where these ideas are ideas of generosity and justice, which are to be made up by taking from other men? But does he tell you from what men he had robbed, what the consequences of his bribes were? No; you would have expected that in this letter he would have told you something of his other bribes, have given some small light into these transactions; but, refusing or forgetting, for he had a most effectual oblivion—this Ganges, like Lethe, causes a drowsiness, as you saw in Mr. Middleton; they recollect nothing; they know nothing—"Call for an account?" he says, "no; it will excite a variety of conjectures." You would have thought now he had been called

He conceals the givers of the bribe.

5 MAY 1789.

upon to state from whom he took this bribe. No; he has not stated, from that day to this, whom he took that money from; but we have found it out, and the way in which we found it out is this:—Mr. Hastings wrote to the court of Directors in the year 1784, desiring this money to be given to him. Now he has not told the court of Directors one word of it. But, such is the use of Parliamentary inquiries, such both to this present age and posterity will be their use, if we pursue them with the vigour of the great trust which is imposed justly upon us, and which we bear not only as an imposition but vigorously, that, if your Lordships do firmly administer justice upon this, you will put an end to these frauds and prevarications at once. But, that your Lordships will see it is the diligence of the House of Commons in this inquiry, and which he has the audacity to call malice, which has brought to light the only discovery we have been able to prove upon him, I will read an extract from that stuff, which he has written himself, or somebody else has written for him, and which he owns or disclaims just as he pleases, when, under the slow tortures of a Parliamentary impeachment upon him, he discovered at last from whom he got the money.

The discovery made by Parliamentary investigation.

Explanation given in his Defence in the House of Commons.

"The last part of the charge states that, in my letter to the court of Directors, of the 21st February 1784, I have confessed to have received another sum of money, the amount of which is not declared, but which, from the application of it, could not be less than 34,000*l.* sterling, &c. In the year 1783, when I was actually in want of a sum of money for my private expenses, owing to the Company not having at that time sufficient cash in their treasury to pay my salary, I borrowed three lacs of rupees of Rajah Nobkissen, an inhabitant of Calcutta, whom I desired to call upon me with a bond properly filled up. He did so, but at the time I was going to execute it he entreated I would rather accept the money than execute the bond. I neither accepted the offer nor refused it; and my determination upon it remained suspended between the alternative of keepig the money as a loan to be repaid, and of taking it and applying it, as I had done other sums, to the Company's use. And there the matter rested, ll I undertook my journey to Lucknow, when I determined to accept c money for the Company's use; and these were my motives. H ving made disbursements from my own cash for services which, though required to enable me to execute the duties of my station, I had hitherto omitted to enter into my public accounts, I resolved to reimburse myself in a mode most suitable to the situation of the Company's affairs, by charging these disbursements in my Durbar accounts of the present year, and crediting them by a sum privately received, which was this of Nobkissen's. If my claims upon the Company were not founded in justice, and *boná fide* due, my acceptance of three lacs of rupees from Nobkissen by no means precludes them from recovering that sum from me. No member of this Honourable House suspects me, I

Three lacs received from Raja Nobkissin.

hope, of the meanness and guilt of presenting false accounts. I have never benefited by contingent charges, or by retaining the money of the public in my own possession for my private emolument."* 5 May 1789.

Proof of system of false accounts.

"Nobody suspects me of the guilt of presenting false accounts." We do not suspect him of presenting false accounts. We prove—we are now radically proving—that he presents false accounts. We suspect no man who does not give ground for suspicion; we charge no man who has not given ground for charge; and we do not attempt to bring before a court of justice what we shall not decisively prove against him. That puts an end to all suspicions; that puts an end to all idle prattle of malice and extorting false accusations, or ill founded charges or suspicion of guilt. We come here to bring the matter to the test; and here it shall be brought to the test between the Commons of Great Britain and this East India delinquent. He says he has never benefited himself by contingent accounts. Now, when he thus excuses himself for this bribe from Nobkissin, which he did not discover at the time, but in the House of Commons, he declares that he wants to apply it to contingent accounts for his expenses, or for what he pretended to have laid out for the Company for a vast number of years. This is a letter to the court of Directors, dated on the river Ganges, 21st of February, 1785:—

Letter to the Directors, 21 January, 1785, desiring to apply the money to account of contingent expenses.

"If it should be objected that the allowance of these demands would furnish a precedent for others of the like kind, I have to remark that, in their whole amount, they are but the aggregate of a contingent account of twelve years; and, if it were to become the practice of those who have passed their prime of life in your service, and filled, as I have filled it, the first office of your dominion, to glean from their past accounts all the articles of expense which their inaccuracy or indifference hath overlooked, your interests would suffer infinitely less by the precedent, than by a single example of a life spent in the accumulation of crores for your benefit, and doomed in its close to suffer the extremity of private want, and to sink in obscurity."†

Unreasonableness of the claim.

Here is the man that has told us, at the bar of the House of Commons, that he never benefited himself by any contingent accounts, and yet, in order to set off against this bribe, which he never intended to apply to any current service of the Company, he was obliged to feign and invent a service, namely, that he had, without any authority of the Company,

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* Minutes of what was offered by Warren Hastings at the bar of the House of Commons, &c. Answer to the Eighth Charge.—Printed by Debrett, 1788, p. 157.

† Printed in the "Minutes of the Evidence," p. 1120.

MAY 1789. squandered away in stationery and budgerows, and other idle service, a sum amounting to this. It is then for the Company's service. "I have spent for the Company's service every thing I thought fit to expend for their service. I intended to be generous at that time. I intended, out of my own pocket, to pay for a translation of the code of Gentu laws. I was then in the prime of my life, flowing in money, and had great expectations. I am now old. I cannot afford to be generous. I intend to take a bribe. I will look back into all my former accounts, pen, ink, wax, every thing that I generously or prodigally spent of my own, and now I make a charge upon you for that sum of money, when at the same time I know you have given a noble allowance to me."

Now suppose Lord Cornwallis, who sits in the seat—and I hope will long and honourably and worthily fill the seat—that gentleman possessed—suppose Lord Cornwallis should tell you that near 30,000*l.* a year was not enough for him; that he should afterwards say, sinking into want and distress, never having complained of the insufficiency of his salary, and having but two years before said he had saved a sufficient competency out of it, that he was in want, and justify upon that want taking a bribe; then make out a bill of contingent expenses to cover it. Would your Lordships bear that?

Improbability in the account of the pretended loan from Nobkissin.

Refusal of Mr. Hastings' bond by Nobkissin.

Mr. Hastings has told you that he took this money from Raja Nobkissin. He wanted to borrow money for his own use. Raja Nobkissin is a banya. You would be astonished to hear of generosity in a banya. There never was a banya and generosity united together. But Nobkissin loses his banya qualities at once, the moment the light of Mr. Hastings' face beams upon him. "Here," says Mr. Hastings, "I have prepared bonds for you." "Astonishing; how can you think of the meanness of bonds? You call upon me to lend you 34,000*l.*, and propose bonds? No: you shall have it. You are the Governor General, who have a large and ample salary; but I know you are a generous man and I emulate your generosity. I give you all this money." He was quite shocked at Mr. Hastings offering him a bond.

My Lords, a Gentu banya is a person a little lower—a little more penurious—a little more exacting—a little more crafty—a little more money-making—than a Jew. There is not a Jew, in the lowest part of Duke's Place in London, that is half so crafty—half so much a usurer—half so know-

ing how to turn money to profit—and so averse to give any money but for profit—as a Gentu broker of that kind. But this man at once gets generous, and will not suffer a bond to be given to him; and Mr. Hastings accordingly is thrown into very great distress. You see sentiment always prevailing in Mr. Hastings. The sentimental dialogue between him and a Jew broker must charm every body who has a true taste for the sentimental in pathos. Mr. Hastings does not know really what to do. He does not know whether he shall give him his bond; whether he shall take the money for his own use; whether he shall take the money for the Company's use; or what he shall do: but it is at last with man, as it is said of women—the woman who deliberates is lost—the man that deliberates about receiving bribes is gone. The moment he deliberates, that moment his reason, the fortress, is gone; the wall shakes; down it comes—and that moment enters Nobkissin with colours flying into the citadel of his honour and integrity, with drums beating, and Mr. Hastings' garrison goes out with the honours of war very handsomely—all for the benefit of the Company—and he takes this money from Nobkissin. Nobkissin is perfectly satisfied: he gives him this money. 5 May 1789.

Acceptance of the money.

Mr. Hastings took the money with a view to apply it to the Company's service. How? To pay his own contingent bills: says he—"Every thing that I do, and all the money I squander, is all for the Company's benefit. As to particulars of the accounts, never look into them: they are given you upon honour. Let me take this bribe. It costs you nothing to be just or generous. I take the bribe, you sanctify it. I have the money and you have no expense." This is the way in which he manages this business. But the moment we have got a name we have got a crime. Nobkissin did give him this money, and did not take his bonds I believe for it: but Nobkissin, we find, immediately afterwards enters into the management of one of the most considerable districts in Bengal. We know very well, and I think I shall prove, how such men rack such districts; and we shall prove that this money, which was given to the Company, as pretended by Mr. Hastings, was exacted from the inhabitants, and that Nobkissin fell as much or more, I believe, in arrears—he fell however vastly in arrears—to the Company for the money which he gave Mr. Hastings. Now you see how it is that Mr. Hastings receives money from the generosity of a banya. He is full of gratitude. He gives him up a territory to manage, under what name you

The management of a district given to Nobkissin

5 May 1789. please. He gives the government of the great families entirely into his power.

The persons bribing Mr. Hastings suffered to remain in arrears in their accounts.

"Now," says Mr. Hastings, "what does it cost the Company?" Why, it costs the Company this—and we shall prove it—that Mr. Hastings never took a bribe, but you will find that the person who gave him that bribe falls either to that amount, in a greater proportion, or some way in debt to the Company. And this is a good way to pay Mr. Hastings' contingent accounts—that he sends a most detestable villian into the country to take the management of it, and who falls in arrear to the Company in his accounts. This is the way the Company keep their servants from falling into "the extremity of private want;" and there is a pretended saving to their treasury by the receiving of bribes, at the very time that these persons are falling just as much into debt to the Company. A bribe is given on one hand and a balance accruing on the other. He is always, sooner or later, paid out of the Company's revenue; for no man ever gave a bribe, who had any share in the management of the Company's revenues—which this Nobkissin had—that did not either extort from the country to the full amount of his bribe, as he must do, or else fall in balance to the Company to that amount, or sometimes both. No man ever bought by such bribes as Nobkissin bought, in this generous and sentimental intercourse between him and Mr. Hastings, that did not fall in balance to the Company, and produce such calamities and distresses to the country as I shall not at this moment attempt to describe. For others will show to you that he never attempted corruption that blood did not follow; he never took a bribe, when the Company's treasury was not exhausted and the country did not suffer.

Nobkissin a defaulter to the Company.

What, did the court of Directors give us information of this? No; we got it in the House of Commons. We then followed Nobkissin's accounts, according to the diligence in which, we trust, we can demand the approbation of our country. We found Nobkissin became a defaulter—a bankrupt—in that year to the Company; and I have no reason to believe that, to this hour, he has paid his arrears; and the very interest of his deficiencies, according to the rate of interest in that country, would be more than the bribe Mr. Hastings has received for the use of the Company, or as a reward for the fidelity on which he values himself.

Correspondence between Mr. Hast-

Now we shall go further, to let you see the course of this inquiry and of this discovery. Mr. Hastings, having written this letter upon the Ganges, the Court of Directors wrote

to him. Your Lordships are not to imagine that the letters are a letter written and answer given, but they are writing to each other at random. Mr. Hastings writes an account one day; they ask him something about that account another; he tells them of a third next; and a kind of game of hide-and-seek is being played between him and the court of Directors. But still the Directors are pursuing their chase, and they insist at last that Mr. Hastings shall give them some account.

5 MAY 1789. ings and the Directors.

I am to tell your Lordships that the court of Directors, finding that some of the committee of the Commons, while committees of the House had weight, were frowning upon them for this collusion with Mr. Hastings, and at last thinking it necessary to let the honest man in the Company get some ascendency, wrote a proper letter, which I shall show your Lordships, demanding from Mr. Hastings an exact account of those bribes that he had received, and painting to him, in colours as strong at least as I paint, the bribery, the fraud and peculation, particularly about those bribes. They desire him to give them a satisfactory account about the rest, and desire that this money—which does them honour for that moment—which was taken from the Nawab of Oude, should be passed to his account. These paragraphs were prepared by the committee of correspondence, and, as I understand, approved by the court of Directors, but never were sent out to India. However, something was sent, which was very poor, miserable and lame ; but still it deserved some explanation. Mr. Hastings received it. He never answered it. He never gave them the smallest explanation; but, after he had gone through all his business, he went up to Oude, upon the chase in which just now we cannot follow him. He went up to Oude; he came down again disgusted, and settled all his affairs for his departure; and he came to England, without ever giving them one word of this explanation, which he had so often promised and they repeatedly asked.

Demand made on Mr. Hastings by the Directors for a precise account of the presents received.

Terms of the letter prepared by the committee of the House of Commons.

Mr. Hastings returns to England without having answered the letter.

Now, we have got Mr. Hastings in England; in which you will suppose there might be some account got from him. He arrived in London, and one would think he would be a little quickened by a menace which he has declared, in a paper before you, was thrown out against him in the House of Commons, that an inquiry should be made into his conduct. The Directors, knowing this affair would be likely to be called in question, thought it as good gently to insinuate

Letter written to him by the

5 May 1789. Directors after his arrival in England. His answer written at Cheltenham, 11 July, 1785.

to him by a letter—written by whom and how we do not know—that he ought to give some explanation of these accounts; and then he wrote them a letter which I suppose is a singular thing in the conduct of the world; which has no parallel: not even himself could be his parallel in this. All the variety of inventive folly working upon conscious guilt, and throwing each other totally in confusion, never produced such a sort of fraudulent, prevaricating, false letter as this letter, which is now to be given to you.

First, you have seen him at Patna—at Calcutta—the country on the Ganges. Now you see him at the waters at Cheltenham; and see what he has written to the court of Directors upon that occasion. It is a letter that may be considered to comprehend and be a digest of the former letters, and all the falsity, fraud and nonsense, that is in the whole of them. You have it there before you; your Lordships will suffer it to be read—I beg your patience. I must acknowledge I am in the most difficult of all things to explain, but much more difficult to make pleasant, namely, falsity and fraud, pursued through all its artifices. And, therefore, as it is the most painful work that ever was to unravel fraud and prevarication, so there is nothing that more calls upon the attention, the vigilance, the patience and the scrutiny, of an exact court of justice. Therefore, as you have here almost the whole of the man, do not think it too much to hear a letter from Cheltenham.* It is dated, Cheltenham, 11th of July, 1785; addressed to William Devaynes, Esq.:—

"Sir,—The honourable court of Directors, in their general letter to Bengal, by the Surprise, dated the 16th of March, 1784, were pleased to express their desire that I should inform them of the periods when each sum of the presents, mentioned in my address of the 22d of May, 1782, was received; what were my motives for withholding the several receipts from the knowledge of the Council or of the court of Directors; and what were my reasons for taking bonds for part of these sums and for paying other sums into the treasury as deposits on my own account."

His consciousness from an early period that an account was expected.

I wish your Lordships to pause a moment. Here is a letter, written in July 1785, from Cheltenham. You see that, from the 29th of December 1780, during all the time he was giving false and prevaricating accounts to the court of Directors, he was convinced in his own conscience, in his

* The letter is printed at length in the "Minutes of the Evidence," &c., p. 1151.

own opinion, of the necessity of producing it; yet they were never able to get any sort of discovery from him. 5 May 1789

"I have been kindly apprized, that the information required as above is yet expected from me. I hope that the circumstances of my past situation, when considered, will plead my excuse for having thus long withheld it. The fact is, that I was not at the Presidency when the Surprise arrived; and, when I returned to it, my time and attention were so entirely engrossed to the day of my final departure from it, by a variety of other more important occupations, of which, Sir, I may safely appeal to your testimony, grounded on the large portion, contributed by myself, of the volumes which compose our consultations of that period"—

These consultations form matter of one of the charges that the Commons have brought against Mr. Hastings; that is, a fraudulent attempt to ruin the persons employed under him, in order to go himself in their place and to act in the secret, mysterious, manner in which he did. These are the volumes of consultations which he had written upon that subject, to justify the acts which he had done there—

"that the submission, which my respect would have enjoined me to pay to the command imposed on me, was lost to my recollection; perhaps from the stronger impression, which the first and distant perusal of it had left on my mind, that it was rather intended as a reprehension for something which had given offence in my report of the original transaction, than as expressive of any want of a farther elucidation of it."

Pretended misapprehension of the Directors' previous demand of an account.

Permit me to remark upon this extraordinary passage. A letter is written to him, which is a continuance of requesting a thousand things desired before and promised by himself; and then he says he recollects—observe his memory—he is not the writer; he knows nothing of it; he only has an obscure recollection that he thought it a reprehension rather than a demand. Now a reprehension is a demand. When I say to a servant of mine—"why have you not given me this account before?" the reason he assigns is—"I have not given it because I thought you were railing at and abusing me."

"I will now endeavour to reply to the different questions which have been stated to me, in as explicit a manner as I am able. To such information as I can give the Honourable Court is fully entitled; and, where that shall prove defective, I will point out the easy means by which it may be rendered more complete."

In order that your Lordships may thoroughly enter into this letter, I am to observe that it is in consequence of a letter which he received at Bengal, and which he was at last prevailed upon to give some answer to at Cheltenham. Now observe how handsomely and kindly these tools of Directors have expressed themselves to him, and that even their

5 May 1789. baseness and subserviency to him was not able to draw out any satisfaction to his enemies—he gives none to his friends about it. They are calling upon him in consequence of a promise, which he calls a reprehension.

"Although it is not our intention to express any doubt of the integrity of the Governor General, on the contrary, after having received the presents we cannot avoid expressing our approbation of his conduct in bringing them to the credit of the Company, yet we must confess the statement of those transactions appears to us in many points so unintelligible that we feel ourselves under the necessity of calling on the Governor General for an explanation, agreeable to his promise, voluntarily made to us."

Now there is a demand upon him; this demand he says he considered only as a reprehension. Reprehension is a stronger mode of demand. But here was a direct, a positive, demand upon him, which his memory furnishes as nothing but a reprehension. He answers:—

"First, I believe I can affirm with certainty, that the several sums mentioned in the account transmitted with my letter above mentioned were received at, or within a very few days of, the dates which are prefixed to them in the account; but, as this contains only the gross sums, and each of these was received in different payments, though at no great distance of time, I cannot therefore assign a greater degree of accuracy to the account."—Your Lordships see, after all these inquiries, and after this long course of years, he declares he cannot make his account accurate.—"Perhaps the Honourable Court will judge this sufficient"—that is, this explanation, namely, that he can give none—"for any purpose to which their inquiry was directed; but if it should not be so, I will beg leave to refer, for a more minute information and for the means of making any investigation which they may think it proper to direct, respecting the particulars of this transaction, to Mr. Larkins, your Accountant General, who was privy to every process of it, and possesses, as I believe, the original paper, which contained the only account that I ever kept of it."

Admission of inaccuracy in his account.

Here is a man, who keeps a bribe account, cannot give an account in the country where it is carried on. When you call upon him in Bengal, he cannot give an account because he is in Bengal. Then he comes to England, and he cannot give an account there, because his account is left in Bengal. He kept no accounts himself, but his accounts are in Bengal, in the hands of somebody else. We shall see what that produced.

Refers to the accountant general in Bengal.

"In this, each receipt was, as I recollect, specifically inserted, with the name of the person by whom it was made; and I shall write to him to desire that he will furnish you with the paper itself, if it is still in being and in his hands, or with whatever he can distinctly recollect concerning it."

* Extract of a letter from the court of Directors, dated 16th March, 1784.—Printed as above, p. 1149.

Here are accounts kept for the Company, and yet he does not know whether they are in existence anywhere. 5 May 1789.

"For my motives for withholding the several receipts from the knowledge of the Council or of the court of Directors, and for taking bonds for part of these sums and paying others into the treasury as deposits on my own account, I have generally accounted in my letter to the Honourable the court of Directors, of the 22d May, 1782; namely, that I either chose to conceal the first receipt from public curiosity, by receiving bonds for the amount, or possibly acted without any studied design, which my memory at that distance of time could verify; and that I did not think it worth my care to observe the same means with the rest. It will not be expected that I should be able to give a more correct explanation of my intentions after a lapse of three years, having declared at the time that many particulars had escaped my remembrance; neither shall I attempt to add more than the clearer affirmation of the facts implied in that report of them, and such inferences as necessarily or with a strong probability follow them."

Studied obscurity of his language.

You have heard of that oriental figure, called a painche, which is in English a screw. It is a puzzled and a studied involution of a period, in order to prevent the discovery of truth, and to frustrate the detection of any frauds. It is called in the banyan language a painche, and if ever you saw that painche exemplified in the world it is in this sentence—"Neither shall I attempt to add more than the clearer affirmation of the facts implied in that report of them, and such inferences as necessarily or with a strong probability follow them." These are not facts stated, but facts implied in the report. Report of what?—of what the Directors declared they did not understand. And then—the inference from these implied facts—the inferences that would necessarily follow from them, or, with a strong probability. If you have a mind to study that oriental figure of rhetoric called a painche, here it is for you in its most complete perfection. No rhetoricians, giving examples of oratory, have anything like it that ever matched this sentence. First, in May, 1782, he forgets his motives for falsifying the Company's accounts, and he very rationally draws such inferences as "necessarily or with a strong probability follow them." The inference is, "I gave a clearer affirmation of these circumstances;" that is, if I understand it at all, which, God knows! I no more pretend to do than Don Quixote did those sentences of lovers in romance writers which he said it made him run mad to attempt to discover the meaning of,—"why, you call upon me for accounts now, three years after, which I could not give you then: I cannot give them you. And, as to papers, I do not know whether they exist. Perhaps you may know something

5 May 1789. of them; perhaps you may not. I can give you no account of them; but I will write to Mr. Larkins, if you please." Now you will see, comparing this with his other accounts, what a monstrous scheme he has laid of fraud and concealment to cover his peculation.

"I have said that the three first sums of the account were paid into the Company's treasury, without passing through my hands. The second of these was forced into notice by its destination and application to the expense of a detachment, which was formed and employed against Madhejee Scindia, under the command of Lieutenant-Colonel Camac, as I particularly apprised the court of Directors, in my letter of the 29th of December, 1780."

Concealment of the persons he received them from.

He does not yet tell you from whom he received it. We have found it out by other collateral means, but he never told the court of Directors from whom he received it.

"The other two were certainly not intended, when I received them, to be made public, though intended for public service, and actually applied to it. The exigencies of the government were at that time my own, and every pressure upon it rested with its full weight upon my mind. Wherever I could find allowable means of relieving those wants I eagerly seized them;"—allowable means of receiving bribes, as we shall prove in the particular instances—"but neither could it occur to me as necessary to state on our proceedings every little aid which I could thus procure; nor do I know how I could have stated it, without appearing to court favour by an ostentation which I disdained, nor without the chance of exciting the jealousy of my colleagues, by the constructive assertion of a separate and unparticipated merit, derived from the influence of my station, to which they might have laid an equal claim."

Motive for concealing them from his colleagues.

Now we see that, after hammering his brains for many years, he does find out his motive, which he could not verify at the time; which was, that, if he let his colleagues know he was receiving bribes, and having the glory of receiving them, they might take it into their heads likewise to have their share in the same glory, as joined in the same commission, enjoying the same powers, and subject to the same restrictions. It was scandalous in Mr. Hastings—not behaving like a good, fair, colleague in office—to deprive them of the share in the glory of receiving bribes. But they were grovelling creatures. They were thinking that keeping clean hands was some virtue. He did not let them know that he was going on in a career of receiving bribes, lest they should wish to have a share in the glory.

Mr. Hastings is a Pindaric genius. He finds the nearest way to the heart. He does not go a long round about way to the heart, but he ravishes the lady at once. "You are a parcel of grovelling wretches. You shall not know the way I am going, for fear you should share in the glory too."

5 May 1789.

"Might not we receive bribes for the Company?" "No; you shall not have the glory. I conceal it." "Why?" "Because it would look like ostentation, if I were to tell it." "Well, but you have applied some of these bribes to your benefit; give us an account of these bribes." "No; that will not do. I disdain ostentation, therefore I will not tell. I might excite jealousy in my colleagues." To be sure, if he was receiving bribes and they not receiving bribes, and if they had a liking to that kind of trade, it is a good object for jealousy, that a matter which ought to be in common among them should be confined to Mr. Hastings. The goddess, as Spenser calls her, "with golden hands," has iron hands sometimes.* He admits they had an equal claim, but, in order not to excite a jealousy in his colleagues for being left out in what they had an equal claim to, he takes bonds for what ought to be brought to the Company's account. These are reasons with regard to his colleagues, who sat with him at the Board—Mr. Macpherson, Mr. Stables, Mr. Wheler, General Clavering, Colonel Monson and Mr. Francis. He was afraid of exciting their jealousy. So far with respect to those who were co-ordinate with him and joined with him in the commission. Now you will see another reason—an extraordinary one—which he has given with respect to his inferiors. I am to tell your Lordships, which you should take on credit—indeed it is on credit, till it is proved to you—that, when he formed a committee of revenue, he bound them by a solemn oath—"not, under any name or pretence whatever, to take from any zamindar, farmer, person concerned in the revenue, or any other, any gift, gratuity, allowance or reward, whatever, or anything beyond their salary;" and this is the oath to which he alludes. It was for fear of exciting the jealousy of his colleagues: it is now with regard to his inferiors. His reason for concealing his bribes under those false and fraudulent bonds was this:—

Oath imposed by him on the committee of revenue not to take presents.

"I should have deemed it particularly dishonorable to receive for my own use money tendered by men of a certain class from whom I had interdicted the receipt of presents to my inferiors, and bound them by oath not to receive them; I was, therefore, more than ordinarily cautious to avoid the suspicion of it, which would scarcely have failed to light upon me, had I suffered the money to be brought directly to my own house, or to that of any person known to be in trust for me."

My Lords, here he comes before you, avowing that he knew the practice of taking money from these people was

Inconsistency in prohibiting

* "Faerie Queene;" Book v., Canto II., Stanzas ix., x.

5 MAY 1789. a thing dishonourable in itself. "I should have deemed it particularly dishonourable to receive for my own use money tendered by men of a certain class, from whom I had interdicted the receipt of presents to my inferiors, and bound them by oath not to receive them." He held it particularly dishonourable to receive them: he had bound others by an oath not to receive them. Why does he conceal it? Why, "because," says he "if the suspicion came upon me, the dishonour would fall upon my pate." Why did he by an oath bind his inferiors not to take these bribes? Why, because it was base and dishonourable so to do; because it was mischievous and ruinous to the Company's affairs to suffer them to take bribes. Why did he take them himself? It was ten times more ruinous, that he who had bound up others so strictly should practise the same himself, and, "therefore," says he, "I was more than ordinarily cautious." What, to avoid it? "No; to carry it on in so clandestine and private a manner as might secure me from the suspicion of that which I know to be detestable, and bound others up from practising."

others from doing what he practised himself.

His reasons for concealing his receipt of presents from the board of revenue.

We shall prove that the kind of men from whom he interdicted his Council to receive bribes were the identical men from whom he received them himself. If it was good for him, it was good for them, who had their means of extorting: and, if it ought to be practised, they ought to be admitted to extort for the good of the Company. Raja Nobkissin was one of the men from whom he interdicted them receiving bribes, and from whom he received a bribe for his own use. He says he did it to conceal it from them, because he thought great mischief would happen if they suspected it, lest they should be inclined to practise it, and break their oaths. Then you take it for granted he concealed it from them? No such thing. His principal confidant in receiving these bribes was Mr. Crofts, who was a principal person in this board of revenue, whom he had made swear not to take bribes. He sees Mr. Hastings receive bribes. He is the confidant and receiver, as we shall prove to your Lordships. "I would not discover them, because I would not let these people know that I received them." Here is one of the very men whom he declares he was not willing should know it. What will your Lordships say to his affirming and averring a direct falsehood here?—that he did it to conceal it from these kind of men, when one of these men was his principal confidant and agent in the transaction? He was more than ordinarily cautious

Communicates it to Mr. Crofts, a member of the Board.

to avoid the suspicion of it; he ought to have avoided the crime, and the suspicion would take care of itself. 5 MAY 1789.

"For these reasons I caused it to be transported immediately to the treasury. There, I well know, Sir, it could not be received without being passed to some credit, and this could only be done by entering it as a loan or as a deposit. The first was the least liable to reflection, and therefore I had obviously recourse to it. Why the second sum was entered as a deposit I am utterly ignorant; possibly it was done without any special direction from me; possibly because it was the simplest mode of entry, and therefore preferred, as the transaction itself did not require concealment, having been already avowed."

Reasons for entering the sums as a deposit.

My Lords, in fact, every word of this is wholly groundless: it is completely wrong in every part. Says he, "I put it down as a deposit." "Why did you do so?" "I cannot tell. There are various reasons which might have induced me to do it; but one is, when you enter moneys of this kind you must enter them under some name—some head of account; and I entered them under this because otherwise there was no way of entering them." Is that true? Will he stick to that? I shall desire to know of his learned Counsel, sometime or other, whether that is a point he will take issue upon—that there was no other way. Your Lordships will see there were other bribes of his which he brought under a regular official charge—namely, Durbar charges; and there is no reason why he should not have brought these under Durbar charges. Therefore, saying there is no other way of entering them but as bonds and deposits is not true.

Subsequently as Durbar charges.

Then he says, there was no other reason for concealment, because it was avowed. Why, that false deposit is as much concealment as the false bond. For he entered that deposit as his own; but when he had a mind to carry it to the Company's account he knew how to do it, for he took it under a general name, called Durbar charges—a name as large and sufficient to cover any fraudulent expenditure in the account as one would think any person receiving would wish—and he gives no account of the expenditure. So it is not true that he was obliged to enter them as bonds and deposits, because there was no other regular way. The Durbar charges, for the extent of them, were very much his own invention. But you have seen him first guess one thing, then another; give this reason, give another. He seems at last to be satisfied that he has hit upon the true reason of his conduct. Now open the next paragraph and see what it is—

"Although I am firmly persuaded that these were my sentiments on the occasion, yet I will not affirm that they were. Though I feel their

5 May 1789. impression as the remains of a series of thoughts retained on my memory, I am not certain that they may not have been produced by subsequent reflection on the principal fact, combining with it the probable motives of it. Of this I am certain, that it was my design originally to have concealed the receipt of all the sums except the second, even from the knowledge of the court of Directors. They had answered my purpose of public utility, and I had almost totally dismissed them from my remembrance."

Acknowledgment that he had meant to conceal the receipt of the presents from the Directors.

My Lords, you will observe, upon this most astonishing account which he gives here, he first says that several of these sums he meant to conceal for ever, even from the knowledge of the Directors. Look back to his letter of the 16th of December, his letter of the 22d of May, 1781, and he tells you that he might have concealed them, but that he was resolved not to conceal them; he thought it highly dishonourable so to do, because his conscience would have been wounded if he had done it; and that he was afraid that it would be thought this discovery was brought from him in consequence of the Parliamentary inquiries. And here he says of this discovery, which he valued himself upon making voluntarily, that he is afraid it should be attributed to motives of fear. Now at last he tells you, from Cheltenham, when he had just cause to dread the strict account to which he is called this day, first, that he cannot tell whether any one motive which he assigns, either in this letter or in the former, was his own or not; he tells you he does not know whether he has not invented them since, in consequence of a train of meditation upon what he might have done or might have said; and lastly he says, contrary to all his former declarations, that he never meant to give the Directors the least notice. "They had answered my purpose. I had dismissed them from my remembrance." Is this the way in which money is to be received and accounted for? "I intended always to keep them secret, though I have declared to you solemnly, over and over again, that I did not. I do not care how you discovered them, I have forgotten them. I have dismissed them from my remembrance."

"But when fortune threw a sum of money in my way, of a magnitude which could not be concealed, and the peculiar delicacy of my situation, at the time in which I received it, made me more circumspect of appearances, I chose to apprise my employers of it; which I did hastily and generally; hastily, perhaps, to prevent the vigilance and activity of secret calumny; and generally, because I knew not the exact amount of the sum of which I was in the receipt, but not in the full possession. I promised to acquaint them with the result as soon as I should be in possession of it; and, in the performance of my promise, I thought it consistent with it, to add to the account all the former appro-

priations of the same kind; my good genius then suggesting to me, with a spirit of caution which might have spared me the trouble of this apology, had I universally attended to it, that if I had suppressed them, and they were afterwards known, I might be asked what were my motives for withholding part of these receipts from the knowledge of the court of Directors, and informing them of the rest, it being my wish to clear up every doubt—" 5 MAY 1789.

He avows the receipt of presents only from fear of their being discovered.

I am almost ashamed to remark upon the tergiversations and prevarications perpetually ringing the changes in this declaration. He would not have discovered this 100,000*l.* if he could have concealed it. He would have discovered it lest malicious persons should be telling tales of it. Now he says how much he had reason to value himself upon his precaution. He has a system of concealment. He never discovers anything, but when he thinks it can be forced from him; that malicious men made certain inquiries, and a fear of their misrepresentations drove him sometimes to precaution; and nothing but the impossibility of concealing anything can possibly make him discover it. And in another place he says,—

"I could conceal these things from you for ever, but my own conscience would not give me leave."

It is not from openness of heart or honesty, but he is afraid that the magnitude of the sum and the malice of people working upon it might have been the means of discovery.

Oh, my Lords, I am afraid that sums of much greater magnitude have been covered by it. But this 100,000*l.* he declares he would have concealed if he could; and yet he values himself upon his discovery of it.

"it being my wish to clear up every doubt upon this transaction, which either my own mind could suggest, or which may have been suggested by others, I beg leave to propose another question, and to state the terms of it in my reply, by informing you that the indorsement on the bonds was made about the period of my leaving the Presidency, in the middle of the year 1781, in order to guard against their becoming a claim on the Company as part of my estate, in the event of my death occurring in the course of the service on which I was then entering. This, Sir, is the plain history of the transaction. I should be ashamed to request that you would communicate it to the honourable court of Directors, whose time is too valuable for the intrusion of a subject so uninteresting, but that it is become a point of indispensable duty. I must, therefore, request the favour of you to lay it at a convenient time before them. In addressing it to you personally I yield to my own feelings of the respect which is due to them as a body, and to the assurances which I derive from your experienced civilities, that you will kindly overlook the trouble imposed by it."

5 May 1789.

Evasion of the explanation required by the Directors.

Your Lordships see what a civil letter this is. You see what a variety of artifices are in it: you see the variety of styles, and how he turns himself into every shape and every form. Do you find any discovery in this letter? Do you find any answer to the Directors' letter? Does he tell you once whom he received the money from? Does he tell you for what he received it—what the circumstances of the persons were—or any one thing whatever about his mode of accounting for it? No. And here at last, after so many years' litigation, he is called to account for his prevaricating, false, accounts in Calcutta, and cannot clear them to you.

Circumstance of false bonds taken from the Company.

Before he left Calcutta, he says, when he was going up upon the service which he thought a service of danger, he indorsed the false bonds which he had taken from the Company, declaring them to be none of his. You observe that these bonds have been in his hand from the 9th or 15th of January—I am not quite sure of the exact day—to the day when he went upon this service, sometime in the month of July—a service which formerly he had declared he did not apprehend to be of danger, but he found it to be so after. He did, in anticipation of that danger, make this attestation and certificate upon the bonds. Who ever saw it? Mr. Larkins saw it. Says he, "I gave it Mr. Larkins." Why, we will show you afterwards that Mr. Larkins deserves no credit upon this business; that honour binds him not to discover the secrets of Mr. Hastings.

We are very near now coming to the last explanation, and, when you have seen what Mr. Larkins gives, there is an end of all hope. Why did he not deliver them up, when he was going there? for all pretence of not being the sole concealer himself was then gone, as we shall prove. Why did he not cancel these bonds? Why keep them at all? Why not enter truly the state of the account in the Company's records? Then, "I indorsed them." "Did you deliver them indorsed into the treasury?" "No: I delivered them indorsed into the hand of my bribe broker and agent." "But why not destroy them? Why not give them up to the Company, and say you were paid; which would have been the only truth in this transaction?" "No: I indorsed them." "If they were indorsed, then why did not you afterwards, during a long period of so many years, cancel them?" No: he kept them to the very day when he was going from Calcutta, and had made a declaration that they were not his. Never before upon any account

Connivance of Mr. Larkins, the accountant general.

did they appear; and, though the committee of the House of Commons, in the eleventh report, had remarked upon all these scandalous proceedings and prevarications, yet he was not stimulated even then to give up these bonds; he held them in his hand till he was just going away, in spite of the Directors, in spite of the Parliament, in spite of the cries of his own conscience, upon a matter which one would think was grown public, and would knock doubly upon his reputation and conduct. 5 May 1789.

He then declares they are not for his own use, but the Company's service. Were they then cancelled? I do not find a trace of their being cancelled. I find the following sums, which correspond with the sums and the total of them—except in one instance—which he stated in his letter of May, just as if one had been copied from the other. In this letter of the 17th of January, 1785, he says, with regard to these bonds:— Declaration that they were for the Company's service.

> "The following sums were paid into the treasury, and bonds granted for the same in the name of the Governor General, in whose possession the bonds remain, with a declaration upon each indorsed and signed by him, that he has no claim on the Company for the amount either of principal or interest, no part of the latter having been received."*

Now the declaration upon oath is added to the account of the 22d of May of the indorsement. Why any man need to declare upon oath that the money which he fraudulently conceals from another person is not his, is the most extraordinary thing in the world. If he had a mind to get credit that it was his, then an oath would be necessary; but in the other case, a man would believe him upon his word. He comes now and says, "This is indorsed upon oath." Oath before what magistrate? In whose possession were the bonds? Were they given up? No; there is no trace of that upon the record, and it stands for him to prove that they were ever given up, and in any hands but Mr. Larkins', and his. So here is the bond, begun in obscurity and ending in obscurity: ashes to ashes, dust to dust, corruption to corruption, and fraud to fraud.

This is all we see of these bonds, till Mr. Larkins is called to read a funeral sermon over them. Finding that this Cheltenham letter was not only a fraud, but the most impudent fraud that was ever seen, he writes some letter, whch does not appear, to Mr. Larkins.

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* Printed in the "Minutes of the Evidence," p. 1150.

5 MAY 1789. My Lords, I am come now near the period of this class of Mr. Hastings' bribes. I am a little exhausted. There are many circumstances that might make me wish not to delay for one day the going through at your Lordships' bar this long, intricate, scene. We are drawing to a conclusion of it, but my strength fails me before I can conclude it. I hope in a very short time to-morrow, or the next court day, to finish it, and to go directly into evidence, which I long to go into, to substantiate it; but it is necessary that the evidence should be explained.

Mr. Larkins' letter is the epilogue. You have heard as much of the drama as I could go through. Bear with my weakness a little. I have incurred the censure of the prisoner. I mean to increase this by bringing home to him the proof of his crimes, and to display them in all their force and turpitude. It is my duty to do it; I feel it an obligation next my heart.

I am exhausted now. I shall finish it the next time your Lordships sit; and then we shall go directly into the evidence upon the subject.

CONCLUSION OF THE SPEECH OF THE RT. HON. EDMUND BURKE, MANAGER FOR THE HOUSE OF COMMONS, IN OPENING THE SIXTH ARTICLE OF THE CHARGE, RELATING TO PRESENTS; 7 MAY, 1789.

7 MAY 1789.

MY LORDS, when I had the honour last to address you from this place, I endeavoured to press upon your minds, and to fortify it by the example of the proceedings of Mr. Hastings, that obscurity and inaccuracy in a matter of account constituted a just presumption of fraud. I showed by Mr. Hastings' letters that his accounts were confused and inaccurate. I am ready, my Lords, to admit that there are situations in which a minister in a great place may use concealment, and it may be his duty to use concealment from the enemies of his masters; it might be prudent to use concealment from his inferiors in service; it will always be suspicious to use concealment from his colleagues and coordinates in office. But when, in a money transaction, any man uses concealment with regard to them to whom the money belongs, he is guilty of a fraud.

Concealments in accounts.

My Lords, I have showed you that Mr. Hastings kept no account, by his own description, of the moneys that he had privately taken, as he pretends, for the Company's service, but, as we have but too much reason to presume, for his own. We have shown you, my Lords, that he has not only no accounts but no memory. We have shown that he does not even understand his own motives; that, when called upon to recollect them, he begs to guess at them, and his memory is to be supplied by his guess. So he has no confidence in his guesses, and he first finds that, after about a year and a half, or somewhat less, he cannot recollect what his motives were to certain actions, which, upon the very face of them, appeared fraudulent. He is called to an account, some years after, to know what they were, and he makes a just reflection upon it, namely, that, as his memory did not enable him to find out his own motive at that time, it is not to be expected that it would be clearer a year after. Yet, notwithstanding this, your Lordships recollect that, in that Cheltenham letter which is made of no perishable stuff, he begins again to guess: but, after he has guessed and guessed

Uncertainty of Mr. Hastings as to his own motives for concealment.

7 May 1789. again, and after he has gone through all the motives he can possibly assign for the action, he tells you he does not know whether those were his real motives or whether he has not invented them since.

Falsification of accounts.

In that situation the account of the Company stood, with regard to very great sums which passed though Mr. Hastings' hands, and which he, instead of giving his masters credit for, took credit for to himself, and, being their debtor as he confesses at that time, took a security for that debt as if he had been their creditor. This required explanation. Eplanation he was called upon for over and over again. Explanation he did not give, and declared he could not give. He was called upon for it in India, he had not leisure to attend to it there. He was called upon for it in Europe, he then says he must send for it to India.

Your Lordships will constantly remark, through the whole correspondence of Mr. Hastings upon this transaction, the Company's accounts of which he has falsified by entering himself as their creditor, when he ought to have appeared as their debtor, that he appears giving false accounts of this false transaction, and afterwards, upon being pressed to explain himself, he declares he cannot explain himself at all —with much prevarication and much insolence, too, declaring himself to be guilty. The court of Directors were slow to believe him guilty. Parliament expressed a strong suspicion of his guilt and wished for further information. Mr. Hastings, about this period of time, began to imagine—his conscience told him indeed—a faithful and true monitor, which it were well he had attended to upon many occasions, as it would have saved him his appearance here—his conscience told him he was in great danger from the Parliamentary inquiries that were going on; and, accordingly, the first account that we have of any [promise of explanation], as I can recollect, was about the time that he sent the Patna letter, that is, the letter discovering the bribe which the Nawab of Oude had given him, written at Patna the 20th January, 1782, and referring to a bribe which he had received some months before at Chunar.

Promise of explanation of the bribe from the Nawab of Oude.

Mr. Hastings, you would naturally imagine, would have been in haste to fulfil that promise, especially as he sent an agent expressly to England, which agent entered himself at the India House, and appeared before the committee as an agent sent over to explain whatever might appear doubtful

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in his conduct; and reference was had to Major Fairfax, who was the first agent we have seen in the committee upon that occasion. Major Fairfax, notwithstanding the character in which Mr. Hastings employed him, appeared to be but a letter carrier. He had nothing to say. He gave them no information in the India House at all. To the committee—I can speak with the clearness of a witness—he gave no satisfaction whatever. However, this agent vanished in a moment, in order to make way for another more substantial, more efficient, agent—an agent perfectly known in this country—an agent known by the name given to him by Mr. Hastings—who, like the princes of the east, gives titles—he calls him an incomparable agent, and by that name he is very well known to your Lordships and the world, and he very well executes that commission. This agent was called upon by the committee, and though, I believe, he was here prior to the time of Major Fairfax's arrival in the character of an agent, and for the very same purposes, it does not appear that he had got the smallest degree of instruction to explain any one part of that transaction. He was examined in a committee of the House of Commons, point by point, article by article, to that obscure enumeration of bribes which the court of Directors declare they did not understand; and they could make nothing of Major Scott, Mr. Hastings' agent. He declared he could speak nothing with regard to them, and had received no instruction upon them.

Major Fairfax sent by him to England to explain.

He is unable to give information.

A second agent—Major Scott.

My Lords, there was but one point which, in the course of examination, we drew out of him, namely, that there was one of these articles, entered in the account of the 22nd of May as a deposit, which Mr. Hastings had received as a bribe from Cheyt Sing. He produced an extract of a letter relative to it, which your Lordships, in the course of this evidence, may see, and which will lead us into a further and more minute inquiry on that head; but not one single article stood explained when that committee made their report in 1783—not one explained to Parliament—not one explained to the Company, except this bribe of Cheyt Sing, which Mr. Hastings never thought proper to communicate to the East India Company, either by himself or, as we could find out, by his agent, any other way than as drawn out by a long examination in the committee of the House of Commons. In spite of the letters he wrote—in spite of the agents he employed—he absolutely and firmly resolved to give his employers no satisfaction upon this business.

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Mode of concealment by pretended discovery.

What is curious in this proceeding is, that Mr. Hastings, all the time he conceals, endeavours to get himself the credit of a discovery. Your Lordships have seen what his discovery is; but Mr. Hastings, among his other very extraordinary acquisitions, has found a more effectual method of concealment through discovery; and I will venture to say that, whatever might be expected of Mr. Hastings' bribes, there was more effectual concealment, in regard to every circumstance, in that discovery, than if he had kept a total silence. Other means might have been found, but this, standing in the way, prevented the discussion of those means.

Mr. Hastings' letter from Cheltenham.

This continued till the time of the letter from Cheltenham. The Cheltenham letter declared that Mr. Hastings knew nothing of the matter—that he had brought with him no accounts to England upon the subject, and, though it appears by this very Cheltenham letter that he had with him at Cheltenham—if he wrote the letter at Cheltenham—a great deal of his other correspondence, that he had his letter of the 22nd of May with him, yet any account that could elucidate that letter he declared that he had not; but he hinted that a Mr. Larkins in India, whom your Lordships will be better acquainted with, was perfectly apprised of all that transaction. Your Lordships will observe that Mr. Hastings has all his faculties, some way or other, in deposit. One person can speak to his memory; another knows his fortune better than himself; to others he commits the sentimental parts of his defence; to Mr. Larkins he commits his memory.* We shall see what a trustee of memory Mr. Larkins is, and how far he answers the purpose which might be expected from a man who has no memory himself, or who has left it on the other side of the water, and who leaves it to another man to explain for him accounts which he ought to have kept, and circumstances which ought to be deposited in his own memory.

His reference to Mr. Larkins.

This Cheltenham letter originally appeared, as far as I can discover, to the House of Commons upon a motion of Mr. Hastings' own agent. I do not like to be positive upon that, but I think that was the first appearance of it. It appeared likewise to the public; for it was thought so extraordinary and laborious a performance—as indeed it

* The irony of this passage was probably suggested by Mr. Sheridan's humorous picture of Mr. Hastings concocting his defence before the House of Commons through a committee of his friends. See vol. i. p. 490.

is—that it might serve to open a new scale of eloquence in the kingdom, and consequently was printed, I believe, at the desire of the parties themselves. But, however, it became known to the public; it raised an extreme curiosity to know that, when Mr. Hastings could say nothing, after so many years, of his own concerns and his own affairs, Mr. Larkins at last would give full satisfaction concerning them. This letter was directed to Mr. Devaynes, Chairman of the court of Directors. It does not appear that the court of Directors wrote anything to India in regard to it; but some private communication passed from Mr. Hastings or his agents to Mr. Larkins, desiring a satisfactory account of that business. There was a general expectation upon this occasion, I believe, in the House of Commons and in the nation at large, to know what would become of this portentous inquiry. Mr. Hastings has always contrived to have half the globe between a question and an answer. When he was in India the question went to him, and then he adjourned his answer till he came to England; and when he came to England it was necessary his answer should arrive from India; so that there is no manner of doubt that all time was given for digesting, comparing, collating and making up, a perfect memory upon such an occasion. 7 May 1789.

Mr. Larkins' account.

But, my Lords, Mr. Larkins, who has in custody Mr. Hastings' memory—no small part of his conscience—and all his accounts, did at last, in compliance with Mr. Hastings' desire, think proper to send an account. Then at last we may expect light. Where are we to look for accounts but from an accountant-general? Where are they to be found, unless from him? And, accordingly, when people had been looking into the night of perplexity into which Mr. Hastings' correspondence had plunged them, they looked up to the dawning of that day that was to come from this star. They called for little Lucifer to appear, with his lamp, to dispel the shades of night, and give us some sort of light into this dark, mysterious, transaction. At last the little lamp appeared; Mr. Larkins came forward, and it was laid before the House of Commons, at the motion of Mr. Hastings' friends—for we did not know of its arrival: we have not always in the House of Commons the quickest and most authentic intelligence of what does arrive. At last it arrives here, with all the intelligence he can furnish, all the memory, accuracy and clearness, that can be furnished for him, upon

7 MAY 1789. a business that before was nothing but mystery and confusion.

The letter from Mr. Larkins consisted of two parts: first, what was so much wanted—an account; next, what was very much wanted to such accounts, and most of all to the accounts he sent along with his letter—a comment and explanation. The account consisted of two parts or members: one gave an account of several detached bribes that Mr. Hastings had received, within the course of about a year or a year and a half; and the other of a great bribe which he had received in one gross sum of 100,000*l.* from the Nawab of Oude.

Defectiveness of the account.

The first circumstance that appeared to us, upon looking upon these accounts, was, that there was some geography, a little bad chronology, but nothing else in the account; neither the persons who took the money, nor the persons from whom it was taken, nor the ends for which it was given, nor any other circumstance of his bribe transaction than this that I have now before you. The first thing they looked at was Dinagepore. That piece of geography your Lordships are informed of. I believe you know that it is one of the provinces of the kingdom of Bengal. We then have a long series of months with a number of sums added to them, and in the end it is said that, on the 18th and 19th of Asin, meaning September and October, were paid to Mr. Crofts two lacs of rupees, which were taken from a sum of three lacs 6,973 rupees, [and then remains one lac 6,973 rupees, from which were deducted "Charges, 9,310 rupees;" leaving "Balance in charge of G. G. S. 97,663 rupees."]*

Dinagepore bribe.

After we had waited for Mr. Hastings' own account—after it had been pursued through a series of correspondence in vain—after his agents had come to England to explain it—this is the explanation that your Lordships have got of this first article of the bribe. Dinagepore—not the person paid to; not the person paying; nor any other circumstance that we can get, except the G. G. S. That might serve for George Gilbert Sanders, or any other name you please; and, seeing Crofts above it, you might imagine that it was an Englishman. And this is the only account; which I call a geographical and a chronological account. But, as to the particulars which might tend to give a light into the transaction—who gave—to whom—for what—not one word appears

* Mr. Larkins' letter, with the account, is printed in the "Minutes of the Evidence," p. 1156.

in that: and, accordingly, Mr. Larkins appeared, upon the mere face of the account, sadly to disappoint us; and I will venture to say that, compared with any system of account, in any transaction, Bengal bookkeeping is as remote from good bookkeeping as Bengal painches are remote from the rules of all true, good, composition. This account Mr. Hastings did receive. It is called—"Copies of the particulars of the dates [on which the component parts of sundry sums included in the 'Account of sums received on the account of the honourable Company by the Governor General, or paid to their treasury by his order, and applied to their service,' were received for Mr. Hastings, and] paid to the sub-treasurer." 7 May 1789.

We have got some light, namely, that one G. G. S. has paid some money to Mr. Crofts for some purpose, but from whom we know not, nor where; that there is a place called Dinagepore; and that Mr. Hastings received some money from somebody in Dinagepore.

Money received from Patna.

The next article is Patna. Your Lordships are not so ill-acquainted with the geography of India as not to know that there is such a place as Patna, nor so ill acquainted with the chronology of it as not to know that there are three months called Baisakh, Asin, and Chait. From Patna Mr. Crofts was paid two lacs of rupees, and there was left a balance of about two more.

When you are hunting to get a good explanation of the proceedings of the month of May, 1782, you receive here by Mr. Larkins' letter, which is dated the 5th August, 1786, this account; which to be sure gives an amazing light into this business. It was worth sending to Bengal for, worth waiting for, with all that anxious expectation with which men wait for great events. Then you have learned that, with regard to the province of Dinagepore, there is a balance in discharge of G. G. S. But, with regard to Patna, we have not even a G. G. S.; we have no sort of light whatever to know through whose hands that transaction passed, nor any glimpse of it. Then you expect to be made amends in the other province, called Nuddea, where Mr. Hastings had received a considerable sum of money. There is the very same darkness: not a word from whom received, by whom received, or any other circumstance—I mean, in the prior transaction—but that it was paid into the hands of Mr. Hastings' white banya, as he was commonly called in that country, into the hands of Mr. Crofts, who was his general agent—

Money received from Nuddea.

7 May 1789. his white agent for receiving bribes, for he was very far from having but that one.

Now there is the whole account given, after all this inquiry—after so many severe animadversions from the House of Commons—after all those reiterated letters from the Directors—after an application to Mr. Hastings himself. Upon the face of the account, there is not one single word given in that account which can tend to illustrate the matter. He sums up the whole, and makes out that there was received 5 lacs and 55,000 rupees, that is to say 55,000*l.*, [out of the sum of nine lacs and 50,000 engaged to be paid; namely,

From Dinagepore - - -	4,00,000
From Nuddea - - - -	1,50,000
And from Patna - - -	4,00,000
	9,50,000]*
	Or £95,000

Concealment of names of persons from whom the moneys were received.

Now you have got full light. Kabuliyat signifies a contract or an agreement. These agreements refer plainly, by the nature of the paper, to the payments that preceded them. That is, there was an agreement, a contract or covenant, to pay—for the word kabuliyat signifies a contract or covenant to pay—Mr. Hastings, as one should think, certain sums of money, and it does not say from whom—there never was such a system of account keeping, except the new system of bribe exchequer bookkeeping—but that such a sum of money was paid, of which there remains such a balance. When you come and compare the money received by Mr. Crofts with these kabuliyats, you find that the kabuliyats amount to 95,000*l.*, and that the receipt has been about 55,000*l.*, and that, upon the face of this account, there is 40,000*l.* somewhere or other unaccounted for.

After finding this account—which your Lordships see is so luminous, so satisfactory, so clear, that it ought to come from a great accountant and a great financier, establishing a new system of finance, to recommend it to the world above all the old-fashioned foolish establishments, the Exchequer and Bank of England,—your Lord-

* Supplied from revised copy. See account, printed in the "Minutes of the Evidence," p. 1157.

ships will see what lights are received from Mr. Hastings. However it does so happen that, from these obscure hints we have been able to institute examinations, that have discovered such a mass of fraud, guilt, corruption and oppression, as probably never existed since the beginning of the world; and that, out of that darkness, we hope and trust the diligence and zeal of the House of Commons will give such light and discovery of his base crimes that, after all his prevarication—and at last dying in the last dyke of prevarication—all that artifice will not be able to secure him from the siege which the diligence of the House of Commons has laid to his corruptions.

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Discovery made by parliamentary investigations.

You are to remark from Mr. Larkins' letter, which, though it stands last in the paragraphs, is the first in principle, that he perorates, as is natural, upon such an occasion. After giving the comment of this account, he makes a peroration, as is usual in perorations, somewhat in favour of the parties speaking it, and *ad conciliandum auditorem*, with which he both begins and ends. But Mr. Larkins, after giving this account which is so brilliant and luminous as an account, remarks in the nineteenth paragraph,—

Mr. Larkins' letter.

"Conscious that the concern which I have had in these transactions needs neither an apology nor an excuse"—

that is rather extraordinary too—

"and that I have in no action of my life sacrificed the duty and fidelity which I owed to my honourable employers, either to the regard which I felt for another or to the advancement of my own fortune, I shall conclude this address, firmly relying upon the candour of those before whom it may be submitted for its being deemed a satisfactory as well as a circumstantial compliance with the requisition in conformity to which the information it affords has been furnished"—*

now he means through the whole course of the letter, as your Lordships will see, in compliance with the requisition, and in conformity to the information he had been furnished with by Mr. Hastings,—

"without which it would have been as base as dishonourable [for me spontaneously to have afforded it. For though the duty which every man owes to himself should render him incapable of making an assertion not strictly true, no man actuated either by virtuous or honourable sentiments could mistakenly apprehend that, unless he betrayed the confidence reposed in him by another, he might be deemed deficient in] fidelity to his employers." *

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* Letter from Mr. Larkins to the Chairman of the East India Company, dated the 5th of August, 1786.—Printed in the "Minutes of the Evidence," p. 1156.

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His avowal of considering it a point of honour to screen Mr. Hastings.

My Lords, here is, in my opinion, a discovery very well worthy your Lordships' attention. Here is the accountant general of the Company, who declares and fixes it as a point of honour that he would not have made a discovery so important to them, if Mr. Hastings himself had not authorised him to make it; that he considers himself bound by his honour to adhere to that point. Let us see what becomes of us when the principle of honour is so debauched and perverted. A principle of honour, as long as it is connected with virtue, adds no small efficacy to its operation, and no small brilliancy and lustre to its appearance. But honour, the moment it becomes unconnected with official function, with the relations of life, and the eternal and immutable rules of morality, and appears in its substance alien to them, changes its nature, and, instead of qualifying it, aggravates all its mischiefs to an almost infinite degree. By the apparent lustre of the surface it hides from you the baseness and deformity of the ground. Here is Mr. Hastings' agent, Mr. Larkins, the Company's general accountant, prefers his attachment to Mr. Hastings to his duty to the Company. Instead of the account he ought to give to them, in consequence of the trust reposed in him, he thinks himself bound by honour to Mr. Hastings that, if Mr. Hastings did not call for that explanation, he would not give it; so that, whatever obscurity is in this explanation, it is because Mr. Hastings did not authorise or require him to give a clearer. Here is a principle of treacherous fidelity, of perfidious honour, of the faith of conspirators against their masters, the faith of robbers against the public, held up, against the duty of an officer in a public situation; and I am sure that, if you do not destroy this honour of conspirators and this faith of robbers, there will be no other honour and no other fidelity among the servants in India.

Various agents employed by Mr. Hastings in receiving bribes.

You see how they are bound to one another, and how they give their fidelity to keep the secrets of one another, to prevent the Directors having a true knowledge of their affairs. You Lordships will see, Mr. Larkins has adhered to the principle of secrecy; but you will see that Mr. Hastings had as many bribe factors as bribes. There was confidence to be reposed in each of them; and not one of these men appear to be in the confidence of another. You will see in this letter the policy, the frame, and the constitution, of this new exchequer. Mr. Crofts seems to have known things which Mr. Larkins did not; Mr. Larkins knew things which

Gunga Govind Sing did not; Gunga Govind Sing knew things which none of the rest of the conspirators knew. It appears that Cantoo Baboo, who appears in this letter as a principal actor, was in a secret which Mr. Larkins did not know. It appears likewise that a Persian munshi was in a secret in which Cantoo Baboo was not; and it appears that there was Mr. Palmer in the secret of a transaction in which none of the rest were. This is the labyrinth of this practical painche or screw, that if you were to trace, suppose, something through Major Palmer, and it stopped there, you could not go further; for another transaction began with Cantoo Baboo. If you were able to penetrate into the dark recess of the black breast of Cantoo Baboo, it could not go further; for it began with Gunga Govind Sing. If you pierce the breast of Gunga Govind Sing, then it is a Persian munshi. If you go beyond this, you find Mr. Larkins knew something that the others did not; and at last you find Mr. Hastings did not put a confidence in either of them. You will see by this letter that he kept his accounts in all colours—black, white and mezzotinto; that he kept them in all languages—in Persian, in Bengali, and in such language as I believe is neither Persian nor Bengali, nor any other language in the world, but it was the language that Mr. Hastings found proper to keep his accounts and to transact his business in. 7 May 1789.

Now, I am to make good to your Lordships these propositions, and to make some remarks, to see how far the memory, observation and knowledge, of the person referred to can supply the wants of Mr. Hastings.

[These accounts come at last, though]* very late, from Mr. Larkins, who I will venture to say—let the banyas boast what they will—has skill, perhaps, equal to the best of them. However, he begins by explaining to you something concerning the present of the ten lacs. I wish your Lordships always to take Mr. Hastings' word to it, where it can be had, or Mr. Larkins', who was the representative of and memory keeper to Mr. Hastings, and then I may, perhaps, take the liberty of making some observations upon it. Dissection of Mr. Larkins' letter.

"Extract of a letter from William Larkins, accountant general of Bengal, to the Chairman of the East India Company; dated 5th August 1786:—

'Mr. Hastings returned from Benares to Calcutta on the 5th February 1782: at that time I was wholly ignorant of the letter which

* Supplied from revised copy.

7 MAY 1789. on the 20th January, he wrote from Patna to the secret committee of the honourable court of Directors. The rough draft of this letter, in the handwriting of Major Palmer, is now in my possession. Soon after his arrival at the Presidency, he requested me to form the account of his receipts and disbursements, which you will find journalized in the 280th and 307th pages of the honourable Company's general books of the years 1781-2. My official situation as accountant general had previously convinced me that Mr. Hastings could not have made the issues, which were acknowledged as received from him by the accounts of some of the paymasters to the army, unless he had obtained some such supply as that which he afterwards, viz., on the 22d of May, 1782, made known to me; when I immediately suggested to him the necessity of his transmitting that account which accompanied his letter of that date, till when, the promise contained in his letter of 20th January had entirely escaped his recollection.' "*

Concealment from Mr. Larkins of the sources from which the money was received.

The first thing I would remark upon this—and I believe your Lordships have rather gone before me in the remark—is, that Mr. Hastings came down to Calcutta on the 5th of February; that then, or a few days after, he calls his confidential friend and faithful secretary—not in office, for he trusted none of his regular secretaries with these transactions—he calls him to him to help him make out his accounts during his absence. You would imagine that at that time he trusted this man with account. No such thing. He goes on with the accountant general, accounting with him for money expended, without ever explaining to that accountant general how that money came into his hands. Now you see the accountant making out the account and the person accounting. The accountant does not by any manner of means make an objection and say—"Here you are giving me an account by which it appears that you have expended money, but you have not told me where you received it; how shall I make out a fair account of debtor and creditor between you and the Company?" No such thing. There lies a suspicion in his breast that Mr. Hastings must have taken some money in some irregular way, or he could not have made those payments. Mr. Larkins begins to suspect him. "Where did you lose this bodkin?" said a lady upon a certain occasion. "Pray, madam, where did you find it?" And Mr. Hastings, at the very moment of his life when he required confidence; even when making up his accounts with his accountant, never told him one word of the matter. You see he had no confidence in Mr. Larkins. This makes out one of the propositions I want to impress upon your Lordships' minds—that no one man did he let into

* Printed in the "Minutes of the Evidence," p. 1153.

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any part of his transactions: a material circumstance, which will help to lead your Lordships' judgment in forming your opinion upon many parts of this cause. You see that Mr. Larkins suspected him. Probably in consequence of those suspicions, or from some other cause, he at last told him, upon the 22d May, 1782—but why at that time rather than at any other time does not appear, and we shall find it very difficult to be accounted for—that he had received a bribe from the Nawab of Oude of 100,000*l.* He informs him of this on the 22d of May, which, when the accounts were making up, he conceals from him; and he acquaints him with the rough draught of the letter to the court of Directors, informing them that this was made, not by any known secretary of the Company—not passing through any interpreter of the Company—not passing through any one official channel whatever—but through a gentleman much in his confidence, his military secretary; and, as receiving bribes and receiving letters concerning them, and carrying on correspondence relative to them, is a part of military duty, this military secretary had the rough draught of this letter. And then it rushes all at once upon Mr. Larkins, who had a memory ready to explode at Mr. Hastings' desire:—"Good God!" says he, "you have promised the Directors an account of this business." "Upon my word," says Mr. Larkins, "it had entirely escaped his recollection." Now Mr. Larkins knows Mr. Hastings' recollection; he knows what does and what does not escape him; for he says that, till that time, it had entirely escaped Mr. Hastings' recollection. Mr. Hastings had totally forgot the promise relative to the paltry sum of 100,000*l.* which he had made to the court of Directors in the January before; he never once thought of it, no, not even when he was making up his accounts of that very identical sum, till the 22d of May, and then Mr. Larkins put him in mind of his promise, which had entirely escaped his recollection. So that these persons answer for one another's bad memory; and you will see they have good reason. Here is Mr. Hastings' want of recollection in things of some moment. However lightly Mr. Hastings considers the sum of 100,000*l.* —which I dare say he does—considering the enormous sums he has received—he totally forgot it; he knew nothing about it. Only, observe what sort of memory has the register and accountant of such sums as 100,000*l.* In what

Subsequent acknowledgment to him of the receipt of 100,000*l.* from the Nawab of Oude.

Mr. Hastings reminded by Mr. Larkins of his promise to account to the Directors.

7 May 1789.

confusion of millions must it be that such sums can be lost to Mr. Hastings' recollection! However, he did recollect it, and he thought that it was necessary to give some account of it. Let us see who were his accountants. His memory was no accountant. One should be astonished that a man has had 100,000*l.* in his hands and laid it out, as he pretends, in the public service, and has not a scrap of paper to show for it. No Major Palmer; no ordinary or extraordinary account of it. Well, what shall we do in such circumstances? Mr. Hastings had forgot the matter; he had dismissed it—as he uses the expression happily in the Cheltenham letter—from his memory. However, he calls back that dismissed servant into his memory, and desires it to enter into office again. But Mr. Hastings is at a loss, and he cannot; and, accordingly, he sends for a person, whose name you have heard and will often hear of—the faithful Cantoo Baboo. This man comes to Mr. Larkins, and he reads him—be so good as to remark the words—from a Bengal paper, the memorandum of the detached bribes. Your Lordships observe, I have stated a number of detached bribes and a great body of bribes: one the great *corps d'armée;* the other flying, scouting, bodies, which were only to be collected together by a skilful man, knowing how to manage them and regulate the motions of those wild and disorderly troops. But the first paper—whose hands was it in?—any accountant's in England? No. In the hands of Mr. Crofts or any Englishman? No; in the hands of Cantoo Baboo. In what language? In Bengal language. When he came to apply to No. 2, Cantoo Baboo failed. He was not worth a farthing for any transaction that happened when Mr. Hastings was in the upper provinces, where he was his faithful and constant attendant through the whole: he could give no account of this. Mr. Hastings' munshi reads three lines from a paper to Mr. Larkins. Now it is no way insinuated that both the Bengal and Persian papers did not contain the account of other immense sums; and, indeed, by the reading only of three lines from one of the Persian papers, your Lordships will be able in your own minds to form some judgment upon this business. Here are three persons carrying on the account—Mr. Larkins, an Englishman; Cantoo Baboo, a Gentu; and a Persian munshi, probably a Mohammedan. So all languages, all religions, all descriptions of men, are to keep the account of these bribes, and to make out this

His efforts to recover the circumstances.

Memoranda kept by Cantoo Baboo, Mr. Crofts and a munshi.

valuable account which Mr. Larkins gave you. Now I shall read what he himself says:— 7 May 1789.

"The particulars of the paper No. 1 were read to me from a Bengal paper by Mr. Hastings's banyan Cantoo Baboo; and, if I am not mistaken, the three first lines of that No. 2 were read over to me from a Persian paper by his moonshy. The translation of these particulars made by me was, as I verily believe, the first complete memorandum that he ever possessed of them in the English language; and I am confident that, if I had not suggested to him the necessity of his taking this precaution, he would, at this moment, have been unable to have afforded any such information concerning them."*

No other accounts preserved of the moneys received.

Now, my Lords, if he had not got, at the intimation of Mr. Larkins, some scraps of paper, without any ever occurring to his own mind and his own recollection, your Lordships might have at this day wanted that valuable information which Mr. Larkins has laid before you—that he had no account of them at all in the English language. Have any of them a complete account in the Bengal language? No: some are in the Bengal language, others in the Persian: and Mr. Larkins says this was the first complete—account, do you imagine?—no, the first complete memorandum. You would have imagined that Mr. Hastings had notched down, somewhere or other, in shorthand, in Persian characters—short, without vowels—or in some other way, memorandums; but he had not even a memorandum of this business, and, consequently, when he was at Cheltenham, and here at your bar, he could never have had any account of a sum of 200,000*l.*, but by this account of Mr. Larkins, taken as people read them from detached pieces of paper.

This is the mode of Mr. Hastings' accounting in this new exchequer. First, Mr. Hastings has no memory of it. Mr. Larkins reminds him of something of it, and he was obliged to a Persian munshi to come and read him some memorandum, or he might to this day have known nothing of the matter. One should have expected that Mr. Larkins that day, being warned and cautioned by the strange memory of Mr. Hastings, and the danger in which he might be if left in such a situation, would at last have been very cautions. No such thing. I will show your Lordships how Mr. Larkins comes to be able to furnish this by his own account—

"But as neither of the other sums" (meaning the sums I mentioned) "passed through his hands, [these contained no such specification, and,

* Extract of Mr. Larkins' letter of the 5th of August, 1786, referred to above.

7 MAY 1789. consequently, could not enable him to avoid the information with which he has requested me to furnish you; and it is more than probable that, if the affidavit which I took on the 16th of December, 1782, had not exposed my character to the suspicion of my being capable of committing one of the basest trespasses upon the confidence of mankind, I should, at this distance of time, have been equally unable to have complied with his request; but, after I became acquainted with the insinuation suggested in the eleventh report of the Select Committee of the House of Commons, I thought it but too probable that, unless I were possessed of the original memorandums which I had made of these transactions, at the time when I became acquainted with them, I might at some distant period be unable, that I had not descended to commit so base an action; I have, therefore, always most carefully preserved every paper which I possessed] regarding these transactions."*

Account obtained by inquiries of the House of Commons.

You see that Mr. Hastings had no memorandums; you see that, after Mr. Larkins had made his memorandums of them, he had no design of guarding or keeping them; and you will commend those wicked and malicious committees who, by their reports, have told an accountant general and first public officer that it was necessary, to guard his character from their suspicions, that he should keep some paper or other of an account. We have heard of the base, wicked and mercenary, licence that has been used by these gentlemen of India towards the House of Commons—that licence by which they have attempted, through the very means by which the people ought to be informed, to buy them into darkness and delusion. These means they have used to libel and traduce the diligence of the House of Commons and the fidelity of their actions; when the accountant general declares that, if they had not suspected him of perjury, he never might have had that account at all to present to them.

Here is an account which first Mr. Hastings knows nothing of—which his different secretaries might never have given an account of—which Mr. Hastings never kept himself—and of which Mr. Larkins tells you that, if it had not been that the House of Commons expressed, as they ought to express, much diffidence and distrust respecting that transaction, at this very day that man would not have had a scrap of paper to have given to you. He would have turned them to the basest and most infamous of uses, if we had not saved these valuable fragments by suspecting his integrity. Your Lordships see, suspicion is of some use;

* Extract from Mr. Larkins' letter, referred to above.

and I hope the world will learn that punishment will be of use too in preventing these transactions. 7 MAY 1789.

Now your Lordships see what this policy is. You see no two persons knew any thing of these transactions. You see that complete memorandums of transactions of very great moment, and some of them that had passed in the year 1779, were not even so much as put in the shape of complete memorandums until May, 1782. You see that Mr. Hastings would never have kept them; that there is no reason to imagine that a black banya and a Persian munshi would have been careful of what Mr. Hastings himself was not careful, as he did not seem to stimulate his accountants to a vast deal of exactness and a vast deal of fidelity. You see that Mr. Larkins, our last, our only, hope, if he had not been suspected by the House of Commons, probably would never have kept these papers. You could not have had even this valuable cargo, such as it is, if it had not been for the circumstance Mr. Larkins thinks proper to mention. We shall go on a little with Mr. Larkins. The first papers that were read to him, and from whence he took his notes, were papers of Cantoo Baboo. They were detached papers, amounting in the whole, with the kabuliyat or agreement, to about 95,000*l.*, of which it appears that there was received by Mr. Crofts 55,000*l.*, and no more. Now, will your Lordships be so good as to let it rest in your memory what sort of an exchequer this is, even with regard to its receipts—for we have given a specimen of its accounts—its vouchers, checks, and counter checks. Your Lordships observe, the accounts are kept in a manner that there is no describing, and the checks and counter checks, instead of being put upon one another to prevent abuse, are put upon each other to prevent discovery and to fortify abuse. When you hear that one has an account of expenditure, another of control, you say that office is well constituted. But here is an office constituted by different persons, without the smallest connection with each other; for the only purpose which they have ever answered is the purpose of base concealment. Recapitulation.

As your Lordships have seen the economy and constitution of this office, now see the receipt. In the month of May, 1782, out of the sums beginning to be received in the month of Shawal, that is in July, 1779, your Lordships know that there was, during that period of time, 40,000*l.* out of 95,000*l.* sunk somewhere, in some of the turnings over Deficiency of 40,000*l.* in a sum due from Gunga Govind Sing

7 May 1789. upon the gridiron, through some of those agents and panders of corruption which Mr. Hastings uses. Here, in the valuable revenue of the Company which is to supply them in their exigencies, which is to come from sources which otherwise never would have yielded it, which, though small in proportion to the other revenue, yet is a diamond—something that by its value makes amends for its want of bulk—here is a loss of 40,000*l.* Any man, though he has no more sense than Mr. Hastings has, who wants all the faculties of the human mind--who has neither memory, judgment, nor any thing else—even a man pretending to be that poor half-idiot creature that Mr. Hastings pretends himself to be, would not engage in a dealing that was to extort 95,000*l.*, upon an agreement with somebody or other which was not worth more than 55,000*l.* Here is a system made for fraud and producing all the effects of it. Upon the face of this account, the agreement was to yield to Mr. Hastings, some way or other, to be paid to Mr. Crofts, 95,000*l.*, and he was 40,000*l.* deficient. What is become of it? Is it in the hands of his wicked bribe brokers or in his own hands? Is it in arrear? Do you know any thing about it? Whom are you to apply to for your information? Why to G. G. S. G. G. S. I find to be indeed, what I suspected him to be, a person that I have mentioned frequently to your Lordships, and that you will often hear of, commonly called Gunga Govind Sing—in one short word, the wickedest of the whole race of banyas: the consolidated wickedness of the whole body is to be found in this man.

You would imagine that, upon some explanation of these sums, you would have heard that there was an agreement made on the part of Mr. Hastings, through Gunga Govind Sing, with somebody or other, for the first sum which is said to be transacted by Gunga Govind Sing, amounting on the kabuliyat to four lacs, and of which no more than two lacs had been received; that is to say, half of it sunk. We have this memorandum only :—

"Although Mr. Hastings was extremely dissatisfied with the excuses Gunga Govind Sing assigned for not paying Mr. Crofts [the sums stated by the paper No. 1 to be in his charge, he never could obtain from him any further] payments on that account."*

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* Extract from Mr. Larkins' letter of the 5th August, referred to above.

Mr. Hastings is exceedingly dissatisfied with those excuses, and there is the whole account of the transaction. He gave him half, and he was so exceedingly dissatisfied that he did not give him the other half that you would have imagined a breach would have immediately ensued between them; for it appears that, by this account—for that is the only thing he has said of Gunga Govind Sing—he does not state how he came to be employed, and for what he was employed. But you are to be told that Mr. Hastings was exceedingly dissatisfied with Gunga Govind Sing for not paying him the money that he ought to have paid, especially as it appears by the transaction that he had received 10,000*l.* of the money which he did not account for, and pretended an arrear of the rest, as far as we can make our way through this darkness. So here Mr. Hastings' bribe agent admits that he had received 10,000*l.* He will not account for it. He pretends there is an arrear of another 10,000*l.*; and by that means he is enabled to take from somebody at Dinagepore, by a kabuliyat, 40,000*l.*, of which Mr. Hastings can get but 20,000*l.* There is *cent. per cent.* loss upon it. He is angry with Gunga Govind Sing.

7 May 1789.

Mr. Hastings' conduct towards Gunga Govind Sing.

I shall not anticipate what some of my honourable friends will bring before your Lordships upon this commission; but I tell you that, so far from quarrelling with Gunga Govind Sing or being angry with him, it is a little pettish love quarrel with Gunga Govind Sing: *amantium iræ amoris integratio est:* for Gunga Govind Sing, without paying him one shilling of this money, attended him to the Ganges; and one of the last acts of Mr. Hastings' government was to represent this man, who was unfaithful even to fraud—who did not keep the common faith of thieves and robbers—this very man he recommends to the Company as a person who ought to be rewarded as one of their best and most faithful servants. After this transaction and after this fraud, how does he recommend him to be rewarded? By giving him the estate of another person; the way in which Mr. Hastings desires to be always rewarded himself. Afterwards he calls upon the Company's justice to give him some money for expenses which he never charged to them; he desires them to assign him the money upon some person of the country. So here Mr. Hastings, after this, recommends him, not only to trust, confidence and employment, which he does very fully, but to a reward taken out of the substance of other people. This is what Mr. Hastings has done with Gunga Govind

Recommends him reward.

7 May 1789. Inference of collusion.

Sing; and, if such are the effects of his anger, what must be the effects of his pleasure and satisfaction? I say that Mr. Hastings could not have so recommended him after this known fraud, in one business only of 20,000*l.*—he could not so have supported him—he could not so have caressed him—he could not so have employed him, being in fact one of the last men he saw in India—he could not have done this, unless he had paid to Mr. Hastings privately that sum of money which never was brought into any even of these miserable accounts; unless he paid him that money, without which he neither ought or was to be satisfied; or had some honourable secret to tell of him on account of which Mr. Hastings did not dare to provoke him to give a just account of the matter; or unless the agreement between them originally was for half or a third of this to go to Gunga Govind Sing.

This is the patriotic scheme of bribery—the public-spirited corruption—which Mr. Hastings uses upon this occasion, by which he thinks, out of the vices of mankind, to draw a better revenue than out of any legal source whatever; and, therefore, he has resolved to become the most corrupt of all Governors General, in order to be the most useful servant to the finances of the Company. So much as to the first article of Dinagepore pesheush. All you have is, that G. G. S. is Gunga Govind Sing; that he has cheated the public of half of it; that Mr. Hastings was angry with him, and yet went away from Bengal rewarding, praising and caressing, him. Let these things pass? They cannot pass with your Lordships' sagacity. I will venture to say that no court, even of *pie-poudre*, could help finding him guilty upon such a matter, if such a court had to inquire into it.

40,000*l.* due from Patna: only half of it received.

The next article is Patna. Here he was to receive 40,000*l.* too; but from whom, this deponent sayeth not. This Mr. Larkins, who is a famous deponent, never hints once. You may look through the whole letter—it is a pretty long one. I will save your Lordships the trouble of hearing it now, because you will have it before you when you come to the Patna business. You will find somebody engaged with him for 40,000*l.*, and which was but half received. You want an explanation of this. You see the kind of explanation you have of Gunga Govind Sing, which is a conjectural explanation of G. G. S. But, when you come to that—who that person was—why it was not paid—what the cause of failure was—you do not know; you only learn that there was that sum deficient, and Mr. Larkins,

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who is our last resort and final hope of light into this transaction, gives not the smallest glimpse of light upon it through the whole business. We, in the House of Commons, have been reduced to form proper, legitimate, conjectures upon this business, and those conjectures have led us to further evidence, which will enable us to fix one of the most scandalous and most mischievous bribes upon Mr. Hastings, from the circumstances of it, that were ever known. But here you see nothing but concealment of it; for, if he took 40,000*l.* from the Company's servants, here is another failure of half the money.

Oh, my Lords, you will find that that failure was bought with the loss of one of the best revenues in India, and with the grievous distress of a country that deserved well your protection, instead of being robbed to give 20,000*l.* to the Company, and another 20,000*l.* to some robber or other, black or white. When I say given to some other robber, black or white, I do not suppose that there is any friendship, generosity or communion, between white men and black. No: their colours are not more adverse than their characters and tempers. There is not that *idem velle et idem nolle;* there are not the same habits of life: even the common binding of the most ordinary society, mutual motives, does not exist between them. It is a money dealing, and money dealing only exists among them; and when you hear that a black man is favoured, and that a pretence is made, and that 20,000*l.* is left in his hands, do not believe it—you cannot believe it; for we will bring evidence to show that friendship between these people is nothing; that, when they give money to a white man, it is a bribe, and when to a black man, he is a sharer in those infamous profits.

No friendship between black men and white.

We find somebody else anonymous with 20,000*l.* more in his hands; and when we come to discover who the man is, and what the balances of the Company were, you will find that this 20,000*l.* was bought at such a compound interest as was never attempted in any bargain. The most violent, griping, usurer, in dealing with the most extravagant heir, never made such a bargain as Mr. Hastings has made for the Company by this bribe. Therefore it could be nothing but fraud that could have got him to have undertaken such a revenue. That shows you that it is a pretence to cover fraud, and not a weak attempt at raising a revenue; and that he was not that idiot that he represents himself to be, forgetting all his duty, all his offices, his own affairs and the public affairs; that he does not forget to make a bargain, to

The difference lost by dealings of Mr. Hastings with usurious agents.

7 May 1789. get money; but when the money is to be recovered, as he says, for the Company, he forgets to recover it: so that the accuracy by which he begins a bribe, and the carelessness with which he ends it, *acribus initiis et soporosa fine*, are things that characterise, not weakness and stupidity, but fraud.

Money due from Nuddea. The next we proceed to is Nuddea. Here have we more light? Does Mr. Larkins anywhere tell you anything about Nuddea? No; it appears as if it had been paid up; that the kabuliyat and payment answer and tally; but, when we come to examine evidence upon these parts, you will see most abundant reasons to be assured that there is much more concealed under this—that it is an account current and not an account closed, and that it is for some other and greater sum than appears. Who has received it? Who is to answer for it? Suppose the Company were to inquire of Mr. Hastings. Not that they would make any inquiry at all; they are not the kind of people. You would imagine that a mercantile body would have some of the mercantile excellencies, and even you would allow them, perhaps, some of the mercantile faults; but they never inquired into them. They have, like Mr. Hastings, forgotten totally the mercantile character, and, accordingly, neither accuracy of account nor fidelity of account do they ever require of Mr. Hastings. They have too much confidence in him, and accordingly he acts like a man in whom such confidence without reason is reposed.

Backwardness of the Directors in investigating these transactions.

Received from Nundulol. But, to ask—whom did he get it from? Was it an act of friendship and generosity from these people of the country? No: we shall find out and prove from whom he got it; at least, we shall produce such a conjecture upon it as your Lordships will think us bound to do, when we have such an account before us. Here there is no deficiency. But, when we look into this account, we find skulking in a corner a person called Nundulol; from him there are 58,000 rupees. Referring back to May, we see this little child in a corner. You will find that he who appears to have paid up this money, and which Mr. Hastings spent as he pleased in his journey to Benares, this man had a trust in him; that he is the wickedest of men next to those I have mentioned—always giving the first rank to Gunga Govind Sing, the second to Deby Sing, the third to Cantoo Baboo. This man is fit to be one next on a par with them. They are *primi inter pares*; rather like a person that has a lead in the same rank than any difference in them. And Mr. Larkins, when he comes to explain this, "I believe it is for a part of the Dinagepore peshcush, which would reduce it to about 5,000*l.*," but he

Character of Nundulol.

Mr. Larkins' accounts.

does not pretend to know what it is given for. He gives several guesses at it; "but, as I do not know, I shall not pretend to give more than my conjecture upon it." He is in the right; because we shall prove he never did have anything to do with the Dinagepore peshcush. These are very extraordinary proceedings. It is my business simply to state them to your Lordships now. We will give them in afterwards in proof, to let them be confirmed and fortified by further observations; and, lastly, submit to your Lordships' judgment the whole of this treacherous mode of accounting. 7 May 178.

One of the objects of this account is to illustrate these bonds. He says, the two first stated sums, namely Dinagepore and Patna, in the paper marked No. 1, I suppose—for he seems to explain it to be such—are sums for which Mr. Hastings took two bonds, viz.,—

"No. 1539, dated 1st October, 1780, and No. 1540, dated 2nd October, 1780, each for the sum of current rupees 1,16,000, or siccas one lack, were granted. The remainder of that amount was carried to the credit of the head of *Four per Cent. Remittance Loan*; Mr. Hastings having taken a bond, No. 89, which has been since completely liquidated conformably to the terms of that loan."*

The first thing that I have to remark in this sentence is, the most extraordinary instance of fraudulent accuracy, or shameful official inaccuracy, that ever I discovered in any paper I have seen. The first sums are asserted to be paid to Mr. Crofts on the 18th and 19th of Asin, 1187. The month of Asin corresponds with the month of September and part of October, and not with November; and it is the more extraordinary that Mr. Larkins should mistake this, because he is in an office which requires monthly payments, and consequently great monthly exactness, and a continual transfer from one month to another. We cannot suppose that any accountant in England, of any name or character, can be more accurate in his accounts of the months than Mr. Larkins can be of the comparative state of a Bengal and an English month. Mr. Larkins has thought proper to tell you that they were received in November. The thing answers perfectly well with another state of the transaction given by Mr. Hastings, namely, the time of his taking the bonds being the 1st and 2nd of October; and, therefore, Mr. Larkins is totally mistaken, who has thought proper to say

False statement of time of payment.

* Mr. Larkins' letter of the 5th August, paragraph 9.

7 May 1789. that they were in the month of November. First, here is a gross inaccuracy. If you have a poet—if you have a politician—a moralist—inaccurate, these are things where the shallow bounds of things do not perhaps admit of accuracy; but what is an inaccurate accountant good for? "Silly man that dost not know thy own silly trade!" The trade is not silly. You do not praise an accountant for being accurate, because you have thousands of them, but you blame a public accountant who is guilty of a gross inaccuracy. Well then, what end could his being inaccurate answer? Why not name October as well as November? I know no reason for it, but here is certainly a gross mistake: I believe, from the nature of the thing, not merely a mistake. But, suppose he did put November by mistake instead of October—take it that it is a mistake and to have nothing of fraud but mere carelessness, which in a man valued by Mr. Hastings for being very punctilious and accurate is extraordinary—we find that this bond was taken in the month of Shawal, 1186, or 1779, but the receipt is said to be in Asin, 1780; that is to say, there was a year and about three months between the collection and the receipt; and, during all that period of time, an enormous sum of money had lain in the hands of Gunga Govind Sing, to be employed when Mr. Hastings should think fit. He employed it, he says, for the Mahratta expedition. He began that letter on the 29th of November, by telling you that the bribe would not have been taken from Cheyt Sing, if it was not by the instigation of the exigence to supply money, lawful or unlawful. But here was no exigency for it before the Berar army came upon the borders of the country—that army which he invited by his careless conduct to the Raja of Berar, and which he was obliged to buy off by a sum of money. This must have been before he had any occasion for it; and you find a fund lay in Gunga Govind Sing's hands. He then applies to it a part of a fund that he must have taken without any view whatever to the Company's interest. It is the more extraordinary because, though I find here the times of the receipt, I have not the date of the agreement when it was made. I find the first receipt to be some time in the year 1779. It was but a year before, so far from the Company being in distress, he declared he should have, at very near the period when this bribe became payable, a large sum. I cannot certainly tell when the agreement was made, yet I shall lay open something very extraordinary upon that, and

The sum suffered to lie in Gunga Govind Sing's hands.

will lead you step by step to the bloody scenes of Deby Sing. When Mr. Hastings was carrying on these accounts, he was carrying them on without any reference to the object to which he applied them. It was an old premeditated payment. It could not be paid for an exigency, because it was to be paid by instalments. Look at the next, that was likewise paid in kabuliyats. He had no momentary exigency to supply with a sum of money, but it was paid regularly, period by period, as a constant uniform income, to Mr. Hastings. 7 May 1789.

You find Nuddea the same. You find Mr. Hastings first leaving this sum of money for a year and three months in the hands of Gunga Govind Sing; then, by an exigency pressing him, by the Mahrattas suddenly invading Bengal, when obliged to refer to his bribe fund, he finds that fund empty, and he takes a bond for two thirds of his own money and one third of the Company's. Now, what I stated before, Mr. Larkins proves of one of these accounts that he took, in the month of January, for this bribe money, which, according to the principles he lays down, was the Company's money, he took for that three bonds, as for money advanced from his own cash. Here, instead of having it all for his own, as it should appear to be in the month of January when he took the bonds, or two thirds his own and one third the Company's, as he said in his letter of the 29th of November—it now turns out, by Mr. Larkins' account, paragraph ninth, which I wish to mark to your Lordships, that it was two thirds the Company's money and one third his own; and yet it is all confounded under bonds, as if the money had been his own. What can you say to this heroic sharper disguised under the name of a patriot, when you find him to be nothing but a downright cheat—under the Company's name taking their own securities to him for the debts which he owed them; afterwards, entering upon that account a false account of them; contradicting that by another account? and God knows whether the third is true or false! These are not things that I am to make out by any conclusion of mine; here they are made out by himself and Mr. Larkins. Compare it with his letter of the 27th, you find a gross fraud covered by a direct falsehood.

Bonds taken for the money by Mr. Hastings as if his own.

The money represented by Mr. Larkins as two thirds the Company's and one third Mr. Hastings'.

The whole sum confounded under bonds.

Then he goes to Cheyt Sing's bribes. He has done there with the bonds; he now comes to the other species of Mr. Hastings' fraud—for there is a great variety in him.

7 May 1789.

His fraudulent deposits.

There was the fraud of his deposits. When he deposits money which he said was the Company's, and which he received in fact as bribes, he demands them—for the Company?—no; for himself; and here is the account Mr. Larkins gives. He was not in the secret of this money originally; he came to the knowledge of the bond money through Gunga Govind Sing and through Cantoo Baboo. The other he was a confidant of himself; it was carried to him, and the account he gives of it I will state to your Lordships. I forgot to mention that, besides these two bonds which Mr. Hastings declared to be the Company's and one bond his own, he slipped into the place of the bond of his own a much better, namely, a bond of November, which he never mentioned to the Company till the 22nd of May; and this bond for current rupees 1,74,000, or sicca rupees 1,50,000, was taken for the payment stated in the paper No. 1 to have been made to Mr. Crofts on the 11th Aghan, 1187, which corresponds with the 23rd of November, 1780. This is the Nuddea money, and this is all that you know of it. You know that this money, for which he had taken this other bond from the Company, was not his own neither, but bribes taken from the other provinces.

Substitution of another bond in place of his own.

I am ashamed to be troublesome to your Lordships in this dry affair, but the detection of fraud requires a good deal of patience and assiduity, and we cannot wander into any thing that can relieve the mind: if it was in my power to do it I would do it. I wish to call your Lordships' attention to the economy of this other bribe, before I quit these bonds. There is always something; glean never so much from paragraphs of Mr. Hastings and Mr. Larkins. You will find there is some confusion; the frauds are so complicate, so intricate, he could not bring them to account. Says Mr. Larkins,—"they were received before the 1st and 2nd of October, and paid." Why does not the running treasury account give an account of it? The committee examined whether the running treasury account had any such account of sums deposited. No such thing. They were said by Mr. Hastings to be deposited in June; they were not deposited in October, nor any account of them till the January following. "These bonds," says he, "I could not enter as regular money, to be entered on the Company's account, or in any public way, until I had had an order of the Governor General and Council." "But why had not you an order of the Governor General and Council? We are not calling on you, Mr. Lar-

Omission of entry of the bonds in the accounts.

kins, for an account of your conduct; we are calling upon Mr. Hastings for an account of his conduct, and which he refers to you to explain. Why did not Mr. Hastings order you to carry them to the public account?" "Because," says he, "there was no other way." 7 May 1789.

Every one who knows any thing of any treasury or banking place knows, that if any person brings them money as belonging to the public, they are bound, no doubt, to receive it and enter it as such. "But," says he, "I could not do it until the account could be settled and a fair debtor and creditor struck. I could not do it till I could put on one side Durbar charges, secret service, to such an amount, and balance that again with bonds to Mr. Hastings." That is, he could not make an entry regularly in the Company's books, until Mr. Hastings enabled him to commit one of the grossest frauds and violations of a public trust that ever was done; that is, by ordering that money of the Company's to be considered as his own, and taking a security for it from the Company as if it was his own. Your Lordships will consider both the person who employs such a fraudulent man and his ideas of his duty in his office. But now we come to the deposit.

"The third sum contained in Mr. Hastings' account, for which the bond No. 1354, dated 23d November, 1780, for current rupees 1,74,000, or siccas 1,50,000 was granted, was for the payment stated in the paper No. 1. to have been made to Mr. Croftes on 11th Augun, 1187, which corresponds with 23rd November, 1780. The fourth sum stated in Mr. Hastings' account was the produce of sundry payments made to me by Sadamund, Cheyte Sing's buxey, who either brought or sent the gold mohurs to my house, from whence they were taken by me to Mr. Croftes, either on the same night or early in the morning after. They were made at different times, and I well remember that the same people never came twice. On 21st June, 1780, Mr. Hastings sent for me and desired that I would take charge of a present that had been offered to him by Cheyte Sing's buxey, under the plea of atoning for the opposition which he had made towards the payment of the extra subsidy for defraying part of the expenses of the war, but really in the hope of inducing Mr. Hastings to give up that claim, with which view the present had first been offered. Mr. Hastings declared that, although he would not take this for his own use, he would apply it to that of the Company, in removing Mr. Francis's objections to the want of a fund for defraying the extra expenses of Colonel Camac's detachment. On my return to the office, I wrote the substance of what Mr. Hastings had said to me, and requested Mr. James Miller, my deputy, to seal it up with his own seal, and write upon it that he had then done so at my request. He was no further informed of my motive for this, than merely that it contained the substance of a conversation which had passed between me and another gentleman, which, in case that conversation should hereafter become the subject of inquiry, I wished to be able to

7 MAY 1789. adduce the memorandum then made of it in corroboration of my own testimony; and although that paper has remained unopened to this hour, and notwithstanding that I kept no memorandum whatever of the substance thereof, yet, as I have wrote this representation under the most scrupulous adherence to what I conceive to be truth, should it ever become necessary to refer to this paper, I am confident it will not be found to differ materially from the substance of this representation."*

Cheyt Sing's bribe of 23,000*l.* conveyed by different persons to Mr. Larkins.

Now what is the substance of this representation? The substance of this representation is, that here was a bribe from Cheyt Sing; and which was guarded with such scrupulous accuracy that it was not carried to the house of Mr. Crofts, who was to receive it finally, but to the house of Mr. Larkins, as a less suspected place; and then, as it was conveyed in various sums, no two people ever returned twice with the various payments that made up the sum of 23,000*l.*, or thereabouts. Now do you want an account of prevarication?—do you want an account of tricks? If any person came to inquire whether 23,000*l.* had been paid by Cheyt Sing to Mr. Hastings, there was not any one man living or any person concerned in the transaction, except Mr. Larkins who received it, that could give an account of how much he received and who brought it. As no two people are confidants to the same transaction in accounts, so no two people are permitted to have any share whatever in bringing the several fragments that make the same sum. This you would have imagined, too, would have been entered to some public account, even to the fraudulent account of Mr. Hastings. No such thing. It was never entered till the November following. It was not entered till Mr. Francis was gone away: and all these corrupt transactions were carried on privately by Mr. Hastings alone, without any signification to his colleagues of his carrying on this patriotic traffic, as he called it. These are matters for your Lordships' grave determination; but I appeal to you whether, upon the face of these accounts, you ever saw anything so gross—that any man could be daring enough to impose upon the credulity of the weakest of mankind, much more to impose upon such a court as this, such accounts as these are?

The transaction concealed from Mr. Hastings' colleagues.

Impossibility of tracing the persons responsible for the deficiencies.

If the Company had a mind to inquire what is become of all these debts?—where is the kabuliyat?—he calls Gunga Govind Sing. "Give us an account of this balance

* Extract from Mr. Larkins' letter of the 5th August, referred to above, paragraphs 10–13.

that remains in your hand." "I know of no balance." 7 MAY 1789.
"Why, there is a kabuliyat." "Where is it? What are the date and the circumstances? There is no such kabuliyat existing." This is even where you have a name. But suppose you went to the Patna kabuliyat, and asked upon this account—"Here I find half the money due. Out of 40,000*l.* there is only twenty received; give me an account of it." Give whom an account of it? Why, here is no name mentioned. Who is to account for it? Who has the kabuliyat? Whom can you call upon? Mr. Hastings does not remember. Mr. Larkins does not tell. And suppose the Company had a mind to inquire what is become of all this Patna money—"give us those two lacs that are wanting;" they know nothing about it. Here is an account kept by somebody which they know nothing about; and can your Lordships believe that this can be any other than a systematical, deliberate, fraud, grossly conducted? I will not allow Mr. Hastings to be the man he represents himself to be. He used to be supposed a man of parts; I suppose no more than that he is a man of mere common sense. What account have you given the Company of this loss of 20,000*l.*? You refer them to Mr Larkins. Mr. Larkins cannot tell them. You find an agreement: in whose hands is it? What application can you make for it? In what court can a suit be instituted? and against whom? Not one word. I wish your Lordships to examine strictly this account of Mr. Larkins—to examine strictly every part of what was said relative to this. Compare the accounts with the explanation, and see if you can divine what remedy can be had for 40,000*l.* loss out of 95,000*l.*

If the Company had a disposition, and were honest enough to the Proprietors and the nation, to inquire into it, there is not a hint given who received the Nuddea—who received the Patna—who received the Dinagepore, peshcush. Not one word of this is to be given; and this is to be called bookkeeping! These two people are to be magnified to heaven for great financiers, and this is the account they have given of all these detached matters of 95,000*l.*, with a loss of 40,000*l.*, without any account of the persons from whom the balance is due or any one circumstance concerning it!

This is the Bengal account, saved so miraculously on the 22nd of May. The next is the Persian account. You have heard of a present which was stated before and must be a good deal explained. From a Persian paper were read three

The Persian account.

7 May 1789. lines, and only three lines, which it is not pretended was the whole of it,—

Presents from the Nawab of Oude and Hussim Reza Khan to Mr. Hastings.

"From the Nabob,"—meaning the Nawab of Oude—"to the Governor General, six lacks, 60,000*l.* From Hussein Reza Khan and Hyder Beg Khan to ditto, three lacks, 30,000*l.*, and ditto to Mrs. Hastings, one lack, 10,000*l.*"

Present to Mrs. Hastings.

Here are three lines that were read from this Persian paper. Is it a man you can call to account for these particulars? No: he is an anonymous munshi: his name not so much as mentioned by Mr. Larkins; never hinted at by Mr. Hastings. And you find this sum, which Mr. Hastings says was a sum in gross given to himself, is not so. It was given by three persons; a part of it, six lacs, given from the Nawab to the Governor; from Hussim Reza Khan three more; and one lac, from both of these, clubbing, as a present to Mrs. Hastings.

Assertion that Mrs. Hastings' present was applied to the Company's service.

This is the first discovery we have of any person concerned in receiving presents for the Governor, except Gunga Govind Sing, Cantoo Baboo, Mr. Crofts and others: but now we find Mrs. Hastings. Now, if this money was not received for the Company, is it proper and right to take it from Mrs. Hastings? Is there honour and justice in taking from a lady a gratuitous present made to her? Yet Mr. Hastings says he has applied it all to the Company's service. He has done very ill if she has justly and properly received it: if she has not, Mr. Hastings has not done proper in suffering it to be received. And I must say, in this grave place in which I am —I do not know, whether Mrs. Hastings ever received any other money than this or whether in reality she received this money at all, she not being upon the spot as I can find at the time, though to be sure a present might be sent her; so I neither affirm nor deny anything of the receipt of it, further than that Mr. Larkins says that there was a sum of 10,000*l.* from those ministers to Mrs. Hastings.

Impropriety of the receipt of presents by the wife of the Governor General.

I do not know that this lady received any more presents:— but this I will say that, if the wives of Governors General, the wives of Presidents of Council, the wives of the principal officers of the India Company, the heads of Council, collectors, and through all the various departments, can receive presents, there is an end of the covenants; there is an end of the Act of Parliament; there is an end to every power of restraint. Let a man be but married, and that moment the Acts of Parliament, the covenants and all the rest, expire, and his wife may take presents.

There is something, too, in the affairs of the east that makes this a much more dangerous practice. The people of the

cast it is well known have their zanana, as a sanctuary which nobody can enter. It is really a kind of holy of holies —a consecrated place, safe in the rage of war, safe in the fury of tyranny. Rapacity has its bounds: here you shall come and come no further. But if English ladies can go into these zananas and there receive presents, the natives can be said to have nothing at all of their own. Every one knows that, in the wisest and best time of the commonwealth of Rome—towards the latter end of it I mean: not the best time for morals, but the best time of knowing how to correct evil government and choosing the proper means for it—it was a known principle that no Governor of a province could take his wife into a province, because they were not subject to the laws in the same way that their husbands were. I do not know that these things happen, but I should think myself the most scandalous of mankind if, finding this article here, I did not mention it to your Lordships; but I press it no further here. They are delivered to Mr. Larkins at Mr. Hastings' own requisition. 7 May 1789.

Then these three lines, read out of a Persian paper, are followed by a long account of the manner in which this present was received in several species, and converted by exchange into one common standard. Now you will ask, when the Persian munshi read this, was there no voucher or authority at all for the rest? The three first lines of that Persian paper is all that we know. Now I shall put it to your Lordships seriously to consider that, in this account, if three lines of paper contain 100,000*l.*—no way insinuating or hinting that there were only three lines in it but rather, on the contrary, seeing that it was read from a Persian paper—how do we know what mines of bribery that paper contained? Why did he not get the whole of that paper read and translated? It can be for no good end and purpose. The moment any man stops in the midst of an account, he is stopping in the midst of a fraud. **Probability of other bribes.**

My Lords, I have one further remark upon these accounts. These accounts amount, by kabuliyat or agreement for paying bribes, in three provinces, to 95,000*l.* Do you believe that these provinces were favoured in any particular manner? Do you think that they were chosen as a little demesne for Mr. Hastings?—that they were the only provinces honoured with his protection, so far as to take bribes from them? Do you perceive anything in their local situation that should distinguish them from other provinces of Bengal? What is the reason why Dinagepore, Patna, Nuddea, should have the The bribes mentioned received from three of the provinces only.

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Probability of bribes received from the other provinces.

post of honour assigned? What reason can be given why bribes were not taken from Burdwan—from Bishanpore—in short, from sixty-eight collections that are in the revenues of Bengal?—that three only should be the places from whence he took his bribes? He did not do his duty, if he thought that bribery was the best way of supplying the Company's treasury—that it formed the most useful and effectual resource for them. He has declared that over and over again. How came he to be so wicked a servant that, out of sixty-eight divisions, he chose only three to supply the exigencies of the Company? Was it right to lay the whole weight of bribery, extortion and oppression, upon those three provinces, and neglect the rest? No; you know and must know that he who extorts from three provinces will extort from twenty, if there are twenty. You have a standard—a measure; and that is all. *Ex pede Herculem:* guess from thence what was extorted from all Bengal. Do you believe he could be so cruel to these provinces, so partial to the rest, to charge them with that load, with 95,000*l.*, knowing the heavy oppression they were sinking under, and leave all the rest untouched? No: we judge of what is concealed from us by what we have got the discovery of, by various means that have occurred, both to the guilty conscience of the person who makes the distinction, and to the vigour, perseverance and sagacity, of those who have made that discovery. Therefore it is not for me to say that there is but 100,000*l.* and 95,000*l.* There I say I must stop—just at the boundary where human nature has fixed the barrier—just where the circumstances intitle me to go on.

Mr. Hastings' motives for keeping the transaction from a court of justice.

Now you have before you the true reason why he did not choose that this affair should come before a court of justice. He would fly from the exposure of this day: he would call for the mountains to cover him: he would be heard upon the business of the Three Seals:* he would be heard upon anything, however foreign to the matter, to keep you from this gross bribery, this shameful peculation, this abandoned prostitution and corruption, which he has practised with indemnity and impunity to this day, from one end of India to the other. He gives you at the head of it Dinagepore. Whom did he take this money from? Has he told you? Has he told his employers? Dinagepore, a province, and money taken from it: whom from? by what hands? by what means? upon what pretence? I believe I can tell from whom it was

The money received from Dinagepore taken from the Raja.

* See Mr. Burke's General Opening of the Impeachment; vol. i., p. 52.

taken. I believe it will appear to your Lordships that it must be taken from the unhappy Raja of Dinagepore. I shall in a very few words state the circumstances—the service performed; from which you will judge concerning the bribe.

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Circumstances of the transaction.

Dinagepore, a large province, was possessed by an ancient family; the last of which, about the year 1184 of their era, the Raja Bija Naut, was upon the point of death, without having any legitimate issue. He lived upon ill terms with his brother, Cantoo Naut, for many years, and his idea was to exclude him from the succession to the zamindary by adopting a son. That adoption, in my poor judgment, is not countenanced under this circumstance, while a person has a half brother, as he was by the Gentu laws: but, Gunga Govind Sing being master of the Gentu laws, being at the head of the registry where the records were kept, which are to ascertain the rules of succession by the custom of the country, by his means Mr. Hastings decreed in favour of the adoption; and we find, immediately after that decree, that Gunga Govind Sing receives from Dinagepore an agreement for a sum of 40,000*l.*, of which he has exacted 30,000*l.*, though he has paid to Mr. Hastings only 20,000*l.* Immediately after this judgment we find this bribe. We find afterwards, following it close, that, before this person could be in possession a year, his natural guardians are all turned out. The country falls in balance, as you would naturally expect, from his inability to pay this exorbitant sum assessed upon a ruined family; for he came to a ruined succession. As we shall prove, by means of that he became indebted to government. Instantly Gunga Govind Sing and the fictitious committee Mr. Hastings had made for wicked purposes, composed of Mr. Anderson, Mr. Shore and Mr. Crofts—who were but the tools, as far as they tell us themselves, of Gunga Govind Sing—put that monster of iniquity, Deby Sing, into his family. They put him into the guardianship of this miserable Raja; and put this noble infant into such wicked and abominable hands. They turn all his natural relations upon one pretence or other out of the family. They put the province into the hands of Deby Sing; and they soon put the province of Rungpore into such a ravage, that I do not wonder he was desirous to fly from it—to put it into a political inquiry rather than have it judicially inquired into here. That led to all this savage barbarity, which I, in the execution of my duty, have brought before this House and my country. And it will be seen, when we come upon this, whether what I have asserted was the effect of a deluded

Adoption of a son by the Raja Bija Naut.

Recognition of the adopted son by Mr. Hastings, on report from Gunga Govind Sing.

Sum of money paid to Mr. Hastings through Gunga Govind Sing.

Deby Sing appointed guardian of the young Raja.

Cruelties practised in the province.

7 May 1789. judgment or disordered imagination, and whether the things I have asserted cannot be substantiated in proof; whether it cannot be substantiated in proof that these reports were made and are none of my invention, and that the means that were taken to discredit them infinitely aggravate the mischief that was done.*

Mr. Hastings wanted to fly from that. He wanted to put Deby Sing any where but in a court of justice. A court of justice is an element in which he cannot live for a moment; where a direct assertion is put forward, a direct proof applied to it, and a comparison made of both. He would rather fly anywhere—even into the very sanctuary of his accusers—than abide a trial with him in a court of justice. But the House of Commons is too just not to send him to that tribunal to which they have appealed, whose justice they cannot doubt, whose penetration he cannot elude; not to give him up to those Managers whose characters he attempted to defame.

This Raja of Dinagepore, a poor unfortunate infant, is robbed of 40,000*l.* by the hands of Gunga Govind Sing; he is delivered over, on account of the pretence of these debts, into the hands of that monster, Deby Sing; and we find that, after this cruel sale of this infant, who was properly in the guardianship of the Company—for the Company acts as steward and diwan of the province, which office has the guardianship of minors—Mr. Hastings has thought proper to produce to you in answer, and by way of anticipation, a certificate of this unfortunate boy:—

Certificate of the young Raja in favour of Mr. Hastings.

"I, Rhadanaut, Zemindar of the pergunnah Haveley, Renjuna, &c., commonly called Dinajepore: as it has been learnt by me, the Mutteeudies, and the respectable officers of my zemindary, that the ministers of England are displeased with the late Governor, Warren Hastings, Esq., upon the suspicion that he oppressed us, took money from us by deceit and force, and ruined the country; therefore we, upon the strength of our religion, which we think it incumbent on and necessary for us to abide by, following the rules laid down in giving evidence, declare the particulars of the acts and deeds of Warren Hastings, Esq., full of circumspection and caution, civility and justice, superiour to the caution of the most learned; and by representing what is fact wipe away the doubts that have possessed the minds of the ministers of England: that Mr. Hastings is possessed of fidelity and confidence and yielding protection to us: that he is clear of the contamination of mistrust and wrong, and his mind is free of covetousness or avarice. During the time of his administration, no one saw other conduct than that of protection to the husbandmen and justice; no inhabitant ever experienced afflictions, no

* See Mr. Burke's General Opening of the Impeachment; 18 Feb. 1788; vol. i., p. 138, *et seqq.*

one ever felt oppression from him; our reputations have always been guarded from attacks by his prudence, and our families have always been protected by his justice. He never omitted the smallest instance of kindness towards us, but healed the wounds of despair with the salve of consolation by means of his benevolent and kind behaviour, never permitting one of us to sink in the pit of despondence. He supported every one by his goodness; overset the designs of evil-minded men by his authority; tied the hands of oppression with the strong bandages of justice, and by these means expanded the pleasing appearance of happiness and joy over us; he re-established justice and impartiality. We were during his government in the enjoyment of perfect happiness and ease, and many of us are thankful and satisfied. As Mr. Hastings was well acquainted with our manners and customs he was always desirous in every respect of doing whatever would preserve our religious rights, and guard them against every kind of accident and injury: and at all times protected us. Whatever we have experienced from him, and whatever happened from him, we have written without deceit or exaggeration."* 7 May 1789.

Youth of the Raja.

My Lords, this is begun "I, Rhadanaut, Zemindar of the pergunnah"—when in the year 1781; this child, this Rhadanaut, who bears evidence upon oath to all the great and good qualities of a governor, and particularly to his absolute freedom from covetousness—this person to whom he appeals was a poor boy between five and six years old, as the committee state when they gave him into the hands of Deby Sing; and, when Mr. Hastings left Bengal, which was in 1786, was between eleven and twelve years old. Here is the sort of testimony that Mr. Hastings holds out—that he was clear from all sort of extortion, oppression and covetousness, in this very zamindary of Dinagepore. This boy who is so observant, who is so penetrating, who is so accurate in the whole government of Mr. Hastings, when he left his government was at the utmost but eleven years and a half old!

Recapitulation.

Now how is this unhappy man at your bar driven, when he is oppressed by his accumulative load of corruption?—when he sees his bribery, his prevarication, forged bonds, brought before you to give the testimony to his government of this child, who for the greatest part of his time, lived 300 miles from the seat of Mr. Hastings' government? Consider the misery of this poor unfortunate boy, robbed by Gunga Govind Sing of 40,000*l.* This boy is made to swear, with all the solemnities of his religion, that Mr. Hastings was never guilty in his province of any act of rapacity. Only think how this crime grows in its magnitude. You find a peshcush; you find Gunga Govind Sing in it; you find this

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* Printed in the "Minutes of the Evidence," p. 2361.

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unfortunate minor—this infant, who ought to be under the government and care of the Company,—robbed of 40,000*l.*, and obliged to bear testimony upon his oath that he was not robbed, and to bear testimony upon his oath to all the good qualities of Mr. Hastings, when he must know that he was the cause of all the mischief to him. These are what they call razi namas, that all India sounds with. Are they concealed by us from your Lordships? No: we bring them forth to show you the wickedness of the man who, after he has robbed innocence, after he has divided the spoil between Gunga Govind Sing and himself, gets the unfortunate noble minor, a boy under twelve years of age, to perjure himself for him—if such a creature is capable of being guilty by such a miserable painche—to deliver this to you as the voice of the country, collected to show how ill-founded the impressions are which committees of the House of Commons—for to them it alludes, I suppose—have taken concerning this man upon the inquiry; who brings the poor miserable orphans and young noble minors, and persons that ought to be under his guardianship, to come forth and swear what, if he had known any thing of his affairs, he must have known was directly false, and verified by his own account to be an extortion to the amount of 40,000*l.*!

Character of the certificates procured from the native princes by Mr. Hastings.

Here, my Lords, I would say something of the miserable situation of the people of that country; but it is not in my commission, and I must be silent.

Certificate from the Raja of Nuddea.

Now there is another of these from Nuddea, under the seal of Maharaja Dheraja Scolernnd Bahadre. They were Hindu, or the flower of the Mohammedans, in this country. When I see the razi nama it is in fact a translation of the same paper; as you will see, a little diversified in the phrases, that it should seem to be something else. This was from a province remote from Dinagepore, by a person much in the same situation as Rhadanaut, and he bears the same testimony to the absence of covetousness in Mr. Hastings. And here we find he took from him a lac and a half. He took these bribes from these people. "Oh then," says he, "I will show it was not taken from them."

My Lords, I have done all that is in my charge. I have endeavoured to show the covenants by which the Company have thought fit to guard against the avarice and rapacity of their governors. I have shown that they positively forbid all sorts of taking of bribes and presents. Before I quit this, I have only to give you the opinion of Sir Elijah Impey—a

Opinion of Sir Elijah Impey on

name consecrated to respect for ever. Your Lordships know him in this House as well as I. His opinion of these petitions and certificates of good behaviour is this— 7 MAY 1789. certificates of conduct.

*" That from the reasons and sentiments that they contain . . . ."

The moment an Englishman appears, as this gentleman does, who is in the collection of Dinagepore, to collect certificates for Mr. Hastings, it is a command for them to say what he pleases.

Recapitulation respecting Mr. Hastings' system of bribery.

To go back and recapitulate for a moment what I have said relative to the new system of bribery of Mr. Hastings:—I have endeavoured to state the covenants. I have endeavoured to state the motives for forbidding presents. I have endeavoured to state the means for preventing their being abused, by ordering the publicity of them. I have shown that these are private. I have endeavoured to state that the next step was framing a legal fiction that they were the property of the Company, to enable them to be recovered out of the rapacious hand which had violated the Act of Parliament. I have stated the Act of Parliament. I have stated Mr. Hastings' sense of it. I have stated the violation of it by taking bribes from all quarters. I have stated the fraudulent bonds by which he claimed a security as his own for that which belonged to the Company. I have stated the series of frauds, prevarications, concealments, and all that mystery of iniquity which I waded through, with pain to myself I am sure, and with infinite pain to your Lordships. I have waded through all that mystery of iniquity to show your Lordships, that the means he uses for evading the clear words of a covenant, and the clear words of an Act of Parliament, were such as did not arise from an erroneous judgment, but from a corrupt intention; and I believe you will find that his attempt to evade the law aggravates infinitely his guilt in breaking it. And now think in what a situation we stand. I open to you nothing but the package of this business. I have opened it to ventilate it and give air to it. I have opened it that a quarantine should be performed, between the touching the goods and letting loose the sweet air of heaven upon them, which is polluted by the opening these poisonous packets that Mr. Hastings has produced to you. I wish them to be aired and ventilated before

Aim of the address to open the general subject.

* This paper has not been found.

7 May 1789. your Lordships touch them. Those who follow me will endeavour to explain to your Lordships what he has endeavoured to involve in mystery—to bring proof after proof that every bribe that was here concealed was taken with corrupt purposes, and followed with the most pernicious consequences. These are things which will be brought to you in proof. I have only regarded the system of bribery. I have endeavoured to show that it is a system of mystery and concealment, and consequently a system of fraud.

Confederacies of persons in India.

You now see the means by which fortunes have been made by certain persons in India. You see the confederacies they have formed with one another for their mutual concealment and mutual support. You will see how they answer a deceitful question by a fraudulent answer. You will see that Cheltenham calls upon Calcutta, as one deep calls upon another; that they call for explanation and are answered in mystery. You develop the very constitution of mind of these people.

Danger of corruption of the English character from examples of successful fraud.

And now, my Lords, in what a situation are we! This prosecution of the Commons, I wish to have it understood—and I am sure I shall not be disclaimed in it—is a prosecution, not only for the punishing a delinquent and preventing this and that offence, but a great censorial prosecution, for the purpose of preserving the manners, characters and virtues, that characterise the people of England. The situation in which we stand is dreadful. These people pour in upon us every day. They not only bring with them the wealth which they have, but they bring with them into our country the vices by which it was acquired. Formerly the people of England were censured, and perhaps properly, with being a sullen, unsocial, cold, unpleasant, race of men, and as inconstant as the climate in which they are born. These are the vices which the enemies of the kingdom charged them with; and people are seldom charged with vices which they do not in some measure partake. But nobody refused them the character of being an open-hearted, candid, liberal, plain, sincere, people; which cancelled and would cancel the thousand faults they had. But, if you once teach the people of England, by the successes of those who practise this fraud, a concealing, narrow, suspicious, guarded, conduct—if you teach them qualities directly the contrary to those by which they have hitherto been distinguished—if you make them a nation of concealers, a nation of dissemblers, a nation of liars, a nation of forgers—my Lords, if

you in one word turn them into a people of banyas—the character of England, that character which, more than our arms and more than our [commerce], has made us a great nation—the character of England will be gone and lost. Our liberty is as much in danger as our honour and our national character. 7 MAY 1789.

We, who here appear representing the Commons of England, are not wild enough, either for ourselves or our constituents, not to tremble at the effect of riches. "*Opum metuenda potestas.*" We dread the operation of money. And do we not know that there are many men, full of wealth, who wait, and who indeed hardly wait, the event of this prosecution to let loose all the corrupt wealth of India, acquired by the oppression of that country, to the corruption of all the liberties of this, and to fill the Parliament with men who are now the objects of its indignation? To-day the Commons of Great Britain prosecute the delinquents of India; to-morrow the delinquents of India may be the Commons of Great Britain. We know and feel in our elections the force of money; so that now we call upon your Lordships' justice in this cause of money. We call upon you for the preservation of our manners—of our virtues. We call upon you for our national character. We call upon you for our liberties, and hope that the freedom of the Commons will be preserved by the justice of the Lords.

Danger of influence of Indian wealth on the liberties of the country.

SPEECH OF JOHN ANSTRUTHER, ESQ., MANAGER FOR THE HOUSE OF COMMONS, IN OPENING THE SECOND PART OF THE SIXTH ARTICLE OF THE CHARGE, RELATING TO PRESENTS; 16 February, 1790.

16 Feb. 1790.

My Lords,—In obedience to the commands of the Commons, imposed upon me in the course of the last session of Parliament, I now proceed to execute my duty in opening to your Lordships some other parts of the charges against Mr. Hastings.

Subjects of previous charges, extortion and breach of treaty.

I had the honour of stating to your Lordships, in a very few words, the nature of the charge which I had to make, in the course of the last year.* Your Lordships must have perceived that, in the course which the Commons have taken with respect to this trial, the first instance of misdemeanour which they selected, in order to lay it before your Lordships, was an instance of violence and extortion charged by them to be committed by Mr. Hastings upon a tributary prince, dependent upon the East India Company. The next charge which they proceeded to lay before your Lordships was an instance of violent breach of treaty, gross violation of good faith, committed towards an ally of the East India Company, in the persons of the Begums of Oude and on the sovereign of that country.

The present charge relates to internal government.

From these charges of exterior demeanour the Commons have now come to view the internal government of Mr. Hastings; and I trust they will be able to prove that, as his external government was violent, tyrannical and unjust, the internal government committed to his charge was oppressive, corrupt and tyrannical. It is that oppression and that tyranny in consequence of that corruption, that I am now to state and open to your Lordships; and it is not the bare offence of corruption, odious as that offence is, which I have

Charge of corruption.

* On the 8th of July, in the previous year, it being near the period of the close of the session of Parliament, Mr. Anstruther commenced, and offered to proceed with, the opening of the Article relating to presents; but, at the suggestion of the Lord Chancellor, on Mr. Anstruther's representation of the probable duration of his speech, the Court was adjourned to the next session.

now to state to you, but the offence of corruption in a governor, aggravated by every act that can aggravate that enormous offence. 16 Feb. 1790.

In administration of the revenue.

I have to state that the corruption, which I have shortly to lay before your Lordships, was all committed in the exercise of that pecuniary trust committed to him by his masters, the East India Company, in the charge of the revenues of that great country. I have to state, as an additional aggravation to the offence of corruption, that it was not only committed in the exercise of his duty, as administrator of the revenues of that country, but that, in order to facilitate and in order to conceal that corruption when it was committed, the orders of his masters were disobeyed in many, many, instances. I have to state, not only that the orders of his masters were disobeyed, but that the very principles which he himself had established for the government of that country were set at nought, for the purposes of his own corruption. I have to state, not only that his own principles were set at nought, but that there were great establishments for the government of these provinces, established by himself; that they were confirmed and settled by his masters, and that he was forbid to alter and to innovate upon them: I have to state, as an aggravation to that corruption, that these establishments were overset and overturned. I have to state to your Lordships that another establishment was created, different in every respect from that which was overturned; and that the establishment which was put in its stead was inefficient to every good purpose:—perfectly efficient to the only purpose for which it was created, the purpose of facilitating the taking [of bribes], and of concealing the corruption when taken. I have to state that the whole administration of the revenues of that country was, for those purposes which I have mentioned to your Lordships, thrown into the hands of a person who had been concerned and was connected with Mr. Hastings as the instrument of that corruption.

Disobedience to orders of Directors.

Principles of his government set at nought for corrupt purposes.

Establishments overthrown.

Administration of revenue placed in corrupt hands.

Not only have I to state all these aggravations to your Lordships, but I have to state to your Lordships that every man who gave a present to Mr. Hastings received a province in return; that he not only received a province in return, but that all the checks that had been instituted for the purpose of preventing even good men committing bad actions, were withdrawn from those who were put there for corrupt

Provinces given to all who made presents.

Checks on their administration withdrawn.

16 Feb. 1790. purposes. I have to state to your Lordships that Mr. Hastings knew, at the time when he put men into great situations, when he intrusted them with the government of the country for pecuniary gain, and had withdrawn from them those checks which are necessary to prevent even the best of men committing bad actions, that they were, universally, the worst men in the country. He raked into the gaols of Patna and Calcutta in order to put persons into the charge of these provinces, and from those persons he received large sums of money. I have still further to state to your Lordships—indeed I need scarcely state it—as an additional aggravation of what I have to say, that these men, so placed in these situations, acted completely up to their character, and that they did all that bad men could do in these countries. I have to state, as an aggravation of this corruption, all the oppression, the tyranny, and the destruction of the country, that was occasioned by this corruption so practised by Mr. Hastings!

Infamous character of those so promoted.

These are the aggravations with which I mean to accompany this offence; and I shall now state to your Lordships all these aggravations, because your Lordships will see that it is necessary I should state them shortly, in order to rebut that species of defence which Mr. Hastings has attempted, by saying that the country was safe and prosperous under his management. I will show you that, in consequence of the corruptions of Mr. Hastings, a country yielding above 12,000*l.* a year revenue to the East India Company was put into the hands of the worst men, for the worst purposes; and that they exercised that power, so given them, to the utter destruction of the inhabitants of that country, and to the consequent loss and injury of the East India Company.

Necessity of answering Mr. Hastings' assertion that the country was prosperous.

Injury of the revenue.

In order to make your Lordships fully aware of the extent and the nature of all those aggravations which I have now generally opened to you, it will be necessary that I should state to your Lordships something of the plan established by the East India Company for the government of their provinces, and for the general direction of their revenue. Your Lordships will see that, before you can fully understand all the aggravations of this offence, it is essential I should first explain what duties they were which were imposed upon Mr. Hastings, and what duties they were which he violated in taking all this money.

Necessity of explaining the Company's system of government.

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Variety of changes prior to 1773.

The government of the East India Company, from the year in which we got possession of the diwani* down to the year 1773, had undergone various changes, both with respect to the management of its revenues and its internal police. I do not mean to state any of those alterations or innovations prior to the year 1773. Whether those innovations and alterations were right or whether they were wrong, I leave them entirely out of this part of what I have to state to your Lordships, and take the administration of the revenue as it stood in the year 1773. In the year 1773, Mr. Hastings thought fit, in consequence of the orders of his masters, to introduce a plan for the administration of the revenues of that country, in so far as related to the European administration of these revenues. That plan will be the first piece of evidence which I shall have to produce to your Lordships. It was introduced for the purpose of gradually introducing a more perfect form of superintendency. "It would be hazardous to the collection," says he, "to throw a greater weight upon the members of the supreme administration than they could support." And for that purpose, in the year 1773, Mr. Hastings introduced a plan, dividing the provinces under the administration of the East India Company into six grand divisions. Those six grand divisions were superintended by Councils of three or of four. That Council had the general administration of the revenues within the province, and corresponded constantly and regularly with the supreme administration at Calcutta, which had the ultimate government and control of all the revenues of the province.

Mr. Hastings' plan for administration of the revenue, in 1773.

Division of the country into six districts.

Provincial Councils.

My Lords, that plan, which I shall produce, and of which I now state the outline, was introduced by Mr. Hastings as the best plan that could be for the purpose of administering the revenues. He stated, at the same time that he introduced it, that he had a further purpose in view, and that was, by an easy, regular and gradual, change, to bring down the whole collection of the revenue to Calcutta, provided it should be found by experience that the nature of the administration of the revenue would so admit of it.

Object to bring the whole collection to Calcutta.

My Lords, in the paper by which he introduced that plan, he stated, among other things, one great leading advantage

Profession of control of the provincial Councils.

* The important grant of the diwani, or right to receive the revenues of Bengal, Behar and Orissa, was made by the Mogul Emperor to the East India Company in the year 1765.

16 Feb. 1790. that would accrue from this mode of administering the revenue; and I desire that your Lordships would attend to that leading advantage which he mentions, which is this,—that there would be a great local, internal, control within the provinces; and that the administration within the provinces was so constituted that it would be extremely difficult, if not impossible, for the members of the provincial Councils, as they were called, to commit any act of enormity in the provinces without a degree of collusion, which collusion must be so great, before they could conceal their enormities, that it would operate as a discovery itself. Such is the principle upon which Mr. Hastings established this plan of a local control within the provinces, to prevent any oppression and injustice by those provincial Councils, without that oppression and injustice being immediately, instantly and perfectly, known to the supreme Board at Calcutta. And I desire your Lordships to mark the reason for his approbation of the plan; because I will show your Lordships that that plan, which he introduced for the purpose of concealing his own corruption, withdrew all local control, and rendered it perfectly easy, in his own opinion, to commit the greatest corruption, without the Council at Calcutta knowing any thing of the matter.

Control rendered impossible by the plan.

Constant approval of the plan by Mr. Hastings, from 1773 to 1781.

Having stated what the outline of the plan was, I shall only state to your Lordships that Mr. Hastings, from the year 1773, when he introduced his plan, down to the 9th of February, 1781, when he overset that plan, never once deviated from his unceasing commendation and approbation of it. So much did he approve of it, that, when it pleased your Lordships and the other branches of the Legislature to send out a new administration for the province of Bengal, Mr. Hastings, in the very first minute in which he gave to them a general view of all the matters which were under his care, stated, in plain terms, that the best plan which could be adopted for the administration of those provinces was that plan which he had so introduced two years before. He still continued approving of that plan; and when, in the year 1775, he sent over to this country a new plan for the subordinate administration of the revenues, he again recommended the Directors to continue that plan of administering the revenues through the medium of provincial Councils, as the best plan that could possibly be devised. So far was he from any idea of altering or disapproving that plan, that he desired the court of Directors to apply to the Legis-

His recommendation of the confirmation of the plan by the Legislature.

lature to have that plan carried into execution by a law of this country, stating these as reasons for that law—which I desire your Lordships to attend to,—the repeated innovations and usurpations that have been made upon the rights of the inhabitants of this country, through the remissness and rapacity of the Mogul government; and the desire of the English government of acquiring popularity by a supposed increase of revenue, which has created a rooted dislike in the inhabitants of this country to your dominion. In order to guard against that rooted dislike, in order to prevent those future innovations which are attended with such dangerous consequences, you are to pass an Act of Parliament to establish this plan. Such were Mr. Hastings' reasonings upon that plan.*

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His reasons for the law.

Encroachments on rights of the inhabitants.

Dislike occasioned by attempts to increase the revenue.

Now I will state the opinion of the court of Directors upon it; because I shall show your Lordships that those acts, which he stated had created a rooted dislike to their government, were acts which he afterwards did, for the purpose of facilitating the receipt of bribes and concealing his own corruption. The court of Directors were not quite so clear in the approbation of this plan, when first presented to them, as Mr. Hastings was. They did not take upon them to say positively—"yes," or "no,"—whether this was to be the perpetual plan which was to govern their provinces, but they say,—

Opinion of the court of Directors on the plan.

"We approve of what you have done; in the meantime we desire you to form your plans, if other plans may be necessary, but desire that no innovations be made without your sending that plan to us for our final approbation, before it is adopted."

Order of the Directors that no innovations be made without their approval.

I shall lay that [plan] before your Lordships, with the ultimate direction of the court upon that subject. The court of Directors desired that he should form a new plan, and transmit it to them for their approbation before it should be carried into execution. I shall show your Lordships that he formed a new plan, and, when that was so formed, he carried it into execution without telling the court of Directors one word about it,—nay, for a whole twelvemonth, he never let them know that there had been any alteration in the administration of their revenues, other than by a letter

New plan introduced, without submission of it to the Directors.

* See letter of the Governor General and Mr. Barwell, of Calcutta, to the Directors, communicating a plan for the future settlement of the revenue; dated 28th March, 1775; and the letter of the same to the Directors, forwarding the draft of an Act of Parliament for the purpose stated above, dated 30 April, 1776.—Printed in the Appendix to the "Minutes of the Evidence," pp. 644, 660.

16 FEB. 1790. which he transmitted to his own agent, Major Scott, to be delivered by him or not, at his own pleasure.

Having stated the duties which were imposed upon Mr. Hastings, both by his own confession and by the orders of the court of Directors, with respect to the plan of administering the revenues through the medium of European servants in the provinces, having stated the advantages which Mr. Hastings supposed would result from it, having stated that it was a plan of local internal control—that it was a plan of publicity—that it was a plan that did not admit of the existence of oppression, without that oppression being discovered to the provincial Councils,—I must now come to some interior parts, which your Lordships will do me the justice to believe I do not state loosely and inaccurately, but that you will see the force of them by and by, and the necessity there is for me to state them clearly to your Lordships, in order that you may understand all the aggravations of the offence of Mr. Hastings.

Particulars of the plan for managing the revenues.

The revenues raised by rent payments from the zamindars.

The mode in which the revenues of that country have been raised has hitherto been by a payment from the different zamindars, farmers or landholders—call them by what name or description you please. It is a species of land-rent, which is exacted from them in the shape of tribute, which they have to pay to the government. It is the principal revenue of Bengal;—by what title or what right, is a matter I shall not at present enter into. If I were to enter into it, I should show that they have the property of the lands and we only the tribute of it, as every good government ought to have: but it is immaterial whether they are to be looked upon as possessing the lands purely of our favour and courtesy or of their own right.

Question of right in the land.

Orders of the Directors as to the persons to whom the land should be given.

Mr. Hastings' opinion.

Disobedience to orders of Directors by Mr. Hastings, and contradiction of his own opinions.

I have to state two different sets of opinions upon that subject. First, the orders of the court of Directors as to who are the persons to whom the land should be given, in order to raise a revenue out of that country. I have to state, also, Mr. Hastings' opinion upon that subject—who are the persons to whom the lands should be given—namely, the natives of that country. And I shall show your Lordships that these orders of the court of Directors with respect to these persons were completely disobeyed by Mr. Hastings; and that these opinions of his own were completely contradicted by Mr. Hastings in a thousand instances; and that in every one instance where I find a

contradiction to those opinions, I find a sum of money paid to Mr. Hastings! 16 Feb. 1790.

Order of Directors that no payment be exacted, beyond that expressed in the grants of the lands.

The court of Directors, above all, establish this as an universal rule—that no payment, of any sort or kind, shall be exacted from the persons holding the lands, whether you call them farmers or whether you call them zamindars, or by whatever name or description they are to be known—that no payment shall be asked or demanded of them, upon any account or pretence whatsoever, other than that which is expressed in the deed or instrument by which they hold those lands. The court of Directors ordered another thing, too,—that, in the letting of the lands, wherever these persons who were called zamindars were dispossessed of those lands, the farm should be divided into smaller proportions, and that no farm should be above 10,000*l.*, or one lac of rupees, unless it was let to the hereditary zamindar. They directed, further, that no banya of any European should have any concern whatever with the letting the lands in the different provinces. I state this to your Lordships, because I will show that money was taken, more than was mentioned in the instrument by which they held the lands,—because I will show that every man who gave a present to Mr. Hastings, so far from having a farm of only one lac, had it to the amount of thirty, forty, some even, I believe, to nearly the amount of fifty, lacs.

And that no farm should exceed 10,000*l.*

And that no banya should be concerned in letting the lands.

Breach of the orders.

The court of Directors further declared that they were universally of opinion that, for every reason, the fit and the proper persons to hold the lands, and to pay the revenue to the East India Company, were these persons who are commonly known by the name of the hereditary zamindars; and they directed that, wherever it could be done, the hereditary zamindar should be the person who should farm the land from the East India Company. It was impossible that, at the distance at which they were, they could direct positively and specifically what was the rent or revenue which was to be paid for those lands, but they directed, in the most specific terms, that the rent or revenue that should be paid by those people should be moderate. There was a discussion in the Council at Bengal, as well as at home, as to what ought to be the terms of the tenure. The Directors said, "We have not made up our minds yet whether we shall let the land upon a perpetual tenure, or on an annual tenure, or any term of years; but this we positively direct, that, wherever a zamindar pays his revenue to government

The hereditary zamindars pointed out as the fittest landholders.

The rent to be moderate.

Zamindar not to be disturbed in the tenure of his farm.

16 Feb. 1790. regularly, no increase be demanded of him upon any account or pretence whatever; that he be allowed to hold and enjoy his estate or his farm; that he be allowed to enjoy the profit of his revenue; even if his lease be, in appearance, only annual, yet, if he be regular and punctual in his payment, that he shall have it equivalent to a perpetual lease—not a perpetual lease in law, but he shall not be turned out."*

Such are the orders of the court of Directors upon that subject,—orders from which they never deviate,—orders from which it is impossible that men could deviate, who had the good government of the country in view. Mr. Hastings himself was not behind hand with the court of Directors in these opinions, for he explicitly tells us—

Mr. Hastings' opinion in favour of zamindars.

"[The cultivation would more be likely to be] encouraged; they have a perpetual interest in the country; their inheritance cannot be removed; they are the proprietors of the lands, which are their estate and their inheritance. From a long continuance in their families [it is to be concluded they have rivetted an authority in the district, acquired an ascendancy over the minds of the ryotts, and] ingratiated their affections."†

His opinion on letting the lands to farm.

Then follow the opinions of Mr. Hastings with respect to farmers,—

"A farmer who holds his farm for one year only, having no interest in the next, [takes what he can with the hand of rigour, which, even in the execution of legal claims, is often equivalent to violence. He is under the necessity of being rigid and even cruel, for what is left in arrear after the expiration of his power is at best a doubtful debt, if ever recoverable. He will be tempted to exceed the bounds of right and to augment his income by irregular exactions, and by racking the tenants, for which pretences will not be wanting] where the farms pass annually from one hand to another."‡

Such were Mr. Hastings' opinions with respect to letting the land to the hereditary zamindars,—such his opinions with respect to the mischief that accrued from letting them to farmers.

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* The above is the substance of the 15th paragraph of a letter from the court of Directors to the Governor General and Council of Calcutta, dated 5th February, 1777.—Printed in the Appendix to the "Minutes of the Evidence," p. 642.

† See letter from the Governor General and Council at Calcutta to the court of Directors, dated 3rd November, 1772, paragraphs 22 and 23.—Printed in the Appendix to the Evidence, p. 663.

‡ Extract from consultation of the Board of Calcutta, 14 May, 1772.—Printed in the "Minutes of the Evidence," p. 1177; and Appendix, p. 668.

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I state these principles of Mr. Hastings, because I will show your Lordships that the principal zamindaries of Bengal were let to farmers,—that they were ruined by the oppression of the farmers: and I will show you that there were payments of moneys from these farmers to Mr. Hastings.

The zamindaries let to farm.

Money paid to Mr. Hastings by the farmers.

Mr. Hastings has shown the court of Directors, also, all the dangers which I need not state: he has shown the dangers which follow from various innovations and changes. I quoted his own words, sometime ago, upon that subject, when he says that the innovations proceeding from these causes had created a rooted dislike in the minds of the people. He went further, for he warned his masters particularly against this:—"Be upon your guard against any pretended increase of revenue, for be sure that, so certain as any plan is offered for your consideration which purports to be a plan for the increase of your revenue and the diminution of your expense, so sure and certain that plan will turn out a diminution of revenue and an increase of expense."

Danger from innovations in order to increase revenue pointed out by Mr. Hastings.

I state that to your Lordships, becauseI will show you that Mr. Hastings himself made those innovations which he had deprecated. I will show you, by and by, that Mr. Hastings, upon those very pretences which he had declared against, made those very innovations which he had deprecated; and I will show you that those innovations were not made for any good purpose, but purely for the purpose of concealing money when taken, and of facilitating the mode of taking it. I will show you, too, that Mr. Hastings was no false prophet when he stated that a plan, which pretended to be an increase of collection, would really be a diminution of collection and an increase of expense; for I will show you that his own plan, which he introduced upon these pretences, was attended with those very consequences which he himself had foreseen. And I shall leave it upon that, and upon other things which I have to state to your Lordships, whether a plan so formed,—whether a plan so introduced,—could be introduced for any other purposes than the purposes of corruption.

Innovatious by Mr. Hastings.

Made for the purpose of concealing receipts of money.

Diminution of revenue subsequent upon Mr. Hastings' plan.

Plan introduced for purposes of corruption.

Having said so much with respect to the preliminary duties imposed upon Mr. Hastings, the next thing that I have to state to your Lordships is, the opinion that was given by Mr. Hastings, in the year 1772, with respect to the administration of the revenue by this or that particular body of men.

Mr. Hastings' opinion in 1772 on administration of particular bodies.

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Abolition of Boards of revenue at Moorshedabad and Patna.

Their power vested in the supreme Board at Calcutta.

His reasons.

I should say, that, previous to the year 1772, the Board of revenue principally resided at Moorshedabad and at Patna, consisting of two Boards. In the year 1772, Mr. Hastings, aware that it was impossible that the supreme administration could know anything at all of the revenue, while it continued administered by two Boards under them, abolished those two Boards, and vested the ultimate and supreme superintendence and control of the revenue in the supreme Board at Calcutta. His reasons for it I shall now state. Mr. Hastings says that,—

> "The revenue is beyond all question the first object of government, that on which all the rest depend, and to which every other should be made subservient. There must be a controlling power in this department,"—meaning the department at Calcutta,—"it cannot be partially delegated; but, in whatever hands it is lodged, it must be absolute and independent. But the superior Council, which is constitutionally the controlling power, [having no cognizance nor connection with the inferior department, can have no knowledge of what is transacted, but from the information of the Board of revenue, which, however fair and impartial, cannot possibly convey that intimate intelligence which arises from daily practice and a direct communication with the servants of the revenue. Without such an intelligence what authority can the administration possess in the affairs of the collections, or with what confidence can they issue any orders for their improvement, impressed as they must be with the consciousness that they are but imperfect judges of matters on which they dictate to others better informed? In effect all authority and command will rest with the Board of revenue."]

Purport of the opinion that matters of the revenue cannot be safely delegated by the supreme Board.

Measures taken in 1781 by Mr. Hastings, in opposition to these opinions.

These opinions of Mr. Hastings go to this, that the supreme Board at Bengal is intimately connected with the administration of its revenue; that it cannot be partially delegated; that it cannot be put in a Board subordinate to that. The moment you put it in a Board subordinate to that, that moment you invest all power and authority in the Board of revenue. If the superior administration is partially delegated it must rest in absolute, total and complete, ignorance. I shall show your Lordships that, in the year 1781, Mr. Hastings did delegate that which he said could not be partially delegated; that, in 1781, Mr. Hastings threw that blind over the eyes of the supreme administration, which, he says, necessarily must be thrown over the eyes of the supreme administration, the moment you delegate the revenue. Instead of that easy and gradual change which

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* Minute of committee of the Council of Calcutta, 28th July 1772.—Printed in the "Minutes of the Evidence," p. 1178.

Mr. Hastings was ordered to make, and which he had professed it absolutely necessary to make, Mr. Hastings comes to the Board on the 9th of February, 1781, and in a short minute, upon the pretence, which he had deprecated, of saving expense and increasing the collections, at once abolishes the whole administration of the revenue in Bengal. I will show your Lordships, by and by, why it was necessary that he should so abolish it. He abolishes the whole administration of the revenue in Bengal; he vests the whole administration of it in the hands of four gentlemen named by himself. He not only does that, but he takes that very step which, in the year 1772, he had declared must necessarily and inevitably keep the Council in ignorance!

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His suppression of the control over the collections in the Board of Calcutta.

His assignment of the administration of the revenue to a Board named by himself.

Your Lordships will find in the seventh Article of this charge—I have a right to go into any part of the Articles, and you will see that I am now connecting part of the seventh Article of the charge with a part of the present—your Lordships will see that Mr. Hastings is charged with having, for corrupt purposes, abolished the provincial Councils. If I was to go no further than to state that he has abolished the provincial Councils upon pretences which he had disclaimed—that he has abolished the provincial Councils in contradiction to every order of his masters, and every opinion of his own—your Lordships would, from this circumstance alone, infer the corruption; but I shall not leave it there. Having thus vested the whole administration of the revenue, by one short minute, in the hands of four gentlemen, I shall state to your Lordships what sort of an administration it was that he ordained for this government. If I can prove that, in the course of the administration of these revenues, Mr. Hastings established a government which he knew, himself, to be weak, wicked and inefficient, that he vested the whole power of the revenues of that country in the hands of a person concerned in taking bribes for himself, your Lordships will easily infer that that was the original cause why this change and alteration was made.

Reference to the 7th Article of the charge.

Corrupt motive in abolishing provincial Councils.

Character of the Board established by him.

The four persons that he named for the administration of the revenue were a Mr. Anderson, Mr. Crofts, Mr. Shore and Mr. Chartres. About Mr. Anderson I shall say extremely little. Mr. Anderson was specially selected by Mr. Hastings, because he was supposed to possess singular and particular skill in the revenues of that country: that was the cause Mr. Hastings assigned why he placed Mr. Ander-

Names of members of the Board.

Mr. Anderson's reputed experience in matters of revenue.

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son, a young man, at the head of that mighty Board which was vested with the sole, complete and perfect, administration of the revenues of Bengal. Yet the very first act of Mr. Hastings was to take away that very Mr. Anderson, who was put at the head of the Board for his skill, and to send him upon a deputation out of the provinces; so that, whatever ability Mr. Anderson might possess, that ability, which was the reason for putting him there, furnished Mr. Hastings with another pretence for taking him away from the Board at which he had placed him. He was in that Board four years; during that four years Mr. Hastings allowed him to sit forty-four days. With respect to Mr. Crofts, I shall show that he was connected intimately with Mr. Hastings, and was the medium through which a great deal of money was received. Of the other two gentlemen I do not say anything; I know nothing of them. I dare say they were very fit for the situations in which they were placed; but I shall show your Lordships that, according to their own opinions, it was utterly impossible that any men could be fit for them, for Mr. Hastings had vested in them a power which it was perfectly impossible that they could execute. I will show to your Lordships what this Board was that Mr. Hastings established. Mr. Anderson, who was selected for his peculiar skill in the revenue, shall tell you what he has told us already in the House of Commons. He has told us, in conformity with Mr. Shore, who acted long at the head of it, that to say they did their business—to say that they could do their business—was idle folly and nonsense; get through it they did,—do it they could not;—that, be they what they may—be they the best intentioned, the best skilled and the most industrious, men in the whole province of Bengal—they were tools in the hands of the diwan. I shall read to your Lordships what Mr. Shore says, and what Mr. Anderson, in the House of Commons, confirmed. With respect to that business, he says,—

He is removed by Mr. Hastings.

Mr. Crofts connected with Mr. Hastings.

Opinion of the other members that they were unable to execute the power vested in them.

Statement of Mr. Anderson that they were tools in the hand of the diwan.

Statement of Mr. Shore confirmed by Mr. Anderson.

"With respect to the present committee, it is morally impossible for them to execute the business they are entrusted with; they are vested with the general controul, [and they have an executive authority larger than ever was before given to any Board or body of men. They may and must get through the business; but to pretend to assert that they really execute it would be folly and falsehood.

"The grand object of the natives is to acquire independent controul, and for many years they have pursued this with wonderful art. The farmers and zemindars under the committee prosecute the same plan,

and have ready objections to anything that has the least appearance of restriction; all controul removed, they can plunder as they please. 16 FEB. 1790.

"The committee must have a dewan or executive officer, call him by what name you please. This man, in fact, has all the revenue paid at the presidency at his disposal, and can, if he has any abilities, bring all the renters under contribution. It is little advantage to restrain the committee themselves from bribery or corruption, when their executive officer has the power of] practising both undetected." *

I desire your Lordships to attend to this:—Mr. Shore and Mr. Anderson tell you, that to pretend that the committee could do their business was folly and falsehood; that the whole revenue was at the disposal of the diwan; that they were blind instruments in his hands,—he could do with them what he pleased; he could put all the renters under contribution; he knows the secret resources, the hopes and fears, of all the zamindars;—he is everything and the committee nothing.

Corrupt motive of Mr. Hastings in establishing the committee.

Here begins what will open to your Lordships the manner in which I mean to bring all this round to the charge of corruption against Mr. Hastings. I have shown you that he abolished a government of local control, that he abolished a government that carried publicity upon the face of it. I have shown to your Lordships that, in the opinion of this new committee themselves, they were mere blind instruments in the hand of their diwan; and I think it fair reason to infer, when Mr. Hastings had violated so many duties that were imposed upon him by the laws of his country, the orders of his masters and his own opinions, for the purpose of establishing a government that were tools in the hands of the diwan,—I think it is fair inference, that the abolishing one and establishing the other could be done for no good purpose; because the only purpose, for which it was pretended to be done, was a purpose Mr. Hastings had himself condemned and deprecated.

The appointment of diwan held by Gunga Govind Sing, receiver of Mr. Hastings' bribes.

This brings me to state to your Lordships who this diwan was, in whom Mr. Hastings put the whole disposal of the revenues,—that it was no other than Gunga Govind Sing, who was the person that took every bribe which Mr. Hastings received from the provinces. For I shall not only prove that Mr. Hastings placed the whole authority in the hands of Gunga Govind Sing, by the confession of the committee themselves, but I shall prove, from the confession

* "Remarks on the Mode of administering justice to the Natives in Bengal, and on the Collection of the Revenue," by John Shore.—Art. 3rd.—Printed in the "Minutes of the Evidence," p. 1280.

16 FEB. 1790. of another of Mr. Hastings' agents, Mr. Larkins, that he, who the committee tell you could lay the renters under what contributions he pleased, and that the committee were tools in his hands,—that he was the person who received presents for Mr. Hastings. Then it is but a short inference —I am sure it is a true one—that all this arrangement was taken, all these duties violated, for the purpose of putting Gunga Govind Sing, his own receiver of bribes, into that situation.

Vicious character of Gunga Govind Sing.

It will be necessary for me to state to your Lordships who this Gunga Govind Sing was; and, when my right honourable friend told you, in his opening speech, that it was a name at which all India turned pale, he did not exaggerate: he told that which every man who comes to your Lordships' bar will tell you,—that if there was ever a man who was hated, feared and despised, by all the natives in India, it was that Gunga Govind Sing: and this man, so hated, feared and despised, by every good man, is he whom Mr. Hastings selected to put at the head of this revenue Board [who were] to be tools in his hand; he employed this man, I shall show, to receive bribes for himself.

Plea that Mr. Hastings was ignorant of his character.

But, it may be said, Mr. Hastings did not know Gunga Govind Sing. It would be difficult to persuade me that Mr. Hastings had been ten years Governor General of India, and that he did not know the most notorious character in it. If he did not know him, it was his duty to inquire into his character before he placed him in that important office. But he did know him: he had been formerly in a situation under the Company; he had been employed as diwan to the provincial Council, the committee of Calcutta: from that situation he was dismissed with disgrace. Notwithstanding his being dismissed with disgrace from that situation, the moment Colonel Monson died, Mr. Hastings put Gunga Govind Sing again into office. His masters, the court of Directors, condemn him for it. They tell him, "Whether your plan was right or wrong we do not care, but for the office of the head of the committee Gunga Govind Sing is an improper person, because he was dismissed from the Calcutta committee." The answer that he makes to that condemnation of his masters is, to put this man, instead of being diwan to the Calcutta committee, at the head of the whole revenue presidency.

His previous dismissal from office of diwan of the committee of Calcutta.

Discussion at the Board respecting

Concerning his dimissal from the committee at Calcutta there was a good deal of discussion at the Board. General

Clavering and Colonel Monson, expressly declare that they heard all over Calcutta that he was the worst character in the country. Mr. Barwell says,— 16 Feb. 1790. His dismissal.

"It is true I never heard any man speak well of him, but he is not proved to be guilty, and, therefore, I shall take his character to be good."

Then comes Mr. Hastings and agrees with his friend Mr. Barwell,—

"It is true I never heard a man speak well of him; I have heard natives—I have heard Europeans—speak of him, but in this point they all agree, that he is the most infamous man breathing; it is true they have not told us specific facts."

And your Lordships know that, if I was giving evidence of a person's general character, I should not be permitted to go into specific facts. Then Mr. Hastings knew perfectly that this man's general character was notorious. He does not pretend to defend him upon that occasion; he says,— Mr. Hastings aware of his general character.

"He neither has a friend among the natives who are about me, nor has he a friend among the Europeans who are about me; I never heard any man speak well of him, but I never heard any man doubt of his abilities."

No more do I! I doubt not the abilities of Gunga Govind Sing. It was because he had abilities that he was selected by Mr. Hastings for that great and that important situation; it was because he had these abilities, described by Mr. Shore, of finding out the secret resources of every renter in the country, that he is again placed in that high and important situation. It is not for his want of talents that I blame Mr. Hastings; but I blame him for having put [into that situation] a person of infamous character, even [though] possessed of great and splendid talents. The greater his talents the greater the mischief, when placed in a situation that he could ravage the whole country, at his pleasure, as I shall show your Lordships that that country was ravaged, under the administration of Gunga Govind Sing and Mr. Hastings.

Now I have stated what I had to say with respect to the appointment of that committee; I have shown your Lordships the destruction of one establishment; I have shown you the appointment of another; but I shall go further, and not only show you that, in the opinion of this very man who was in that government, this committee of revenue—as it is called—was inefficient, weak and futile, but I shall show you, that in the opinion of Mr. Hastings himself, that government which he established was effective to no one good purpose under the sun; for I shall show you that, in the course of the year 1783, in consequence of the oppres- Inefficiency of the committee of revenue.

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Oppressions of Deby Sing.

sions of a man of whom your Lordships will hear more than a little,—of the name of Deby Sing,—in consequence of the oppressions of that man, which Mr. Hastings' corrupt system had occasioned, a vast body of evidence of great oppression, committed in different parts of the country, was laid upon the table. A Mr. Goodlad was a little involved in the accusation, as well as Deby Sing; and, upon the trial of Mr. Goodlad, Mr. Hastings himself says,—

Mr. Hastings' avowal of his ill opinion of him.

"I so well know the abilities and the character of this Deby Sing, that I conceive it possible that he should commit every enormity laid to his charge, and yet, at the same time, that it might be concealed from Mr. Goodlad, who was there."

Reflection on the system established by Mr. Hastings.

Now apply this to Mr. Hastings' system. What was the system which he had established, by which, according to his own confession, a province might be ravaged, a people plundered and driven to rebellion, without an English officer, who was in the province, knowing anything about it? Such, however, was the system of intricacy and darkness that Mr. Hastings established, in defiance of a system of clearness and of light which had been established previous to that time. That was his own opinion of his own system: and I ask your Lordships, is it possible a man could, for any good purpose, appoint a system of government of which he has declared he had such an opinion?—that a great province, as large as the county of York, should be plundered from end to end, that the people should be driven out of the country, and the greatest cruelties and massacres be committed in it, and yet that a person high in office, who resided in the province, should be ignorant of it? And this is the system which you are desired to believe was established by Mr. Hastings for good purposes!

Proceedings of the provincial diwans.

The practice of uniting the offices of farmer and diwan.

There are a number of officers who are known by the name of provincial diwans, in that country. The first act of Mr. Hastings' new administration was this,—and I shall charge Mr. Hastings, and shall state soon why I charge Mr. Hastings, with the acts of that committee,—the first step of their proceeding was, in a variety of instances, to join the office of farmer and diwan — that is to say, join the office of farmer and check upon the farmer together; and I shall show to your Lordships that, in every instance where farmers and the check were joined in one person, Mr. Hastings received a sum of money. And then shall I be asked whether Mr. Hastings established this government for these purposes?—shall I not immediately be told it is impossible

that any man could have acted so,—it is impossible that any man could have been so inconsistent with common sense as to do all this,—unless he had done it for purposes of corruption? 16 FEB. 1790.

A government of concealment purposely established by Mr. Hastings.

I shall be able to prove what I have quoted of Mr. Hastings' opinion upon the case of Deby Sing, that his government, whatever merit it might have had, had at least this demerit,—that it was a government where the greatest enormities might be concealed; and I charge Mr. Hastings with having appointed a government of concealment for the purpose of concealing his own corruption. I shall show your Lordships that it was not attended even with that miserable advantage which Mr. Hastings said it would be attended with; for I shall show that, so far from saving expense, it was a prodigious increase of expense—very near in the ratio of three to two.

No saving of expense effected by it.

My Lords, these are not opinions of my own merely; these are not opinions upon which any man can doubt who has ever looked into the papers I shall have the honour to lay before you. They are the opinions of all your governors at home; they are the opinions of all your governors abroad; and I shall show you what has been the opinion of high authority with respect to this plan:—

"On reviewing the conduct of our revenue department for some years past . . . .
at more than double of what they had been in the year 1766."*

Then away flies that miserable pretence of its being a saving plan, if I should show to your Lordships that it was an oppressive plan: even that pretence of saving is gone and fled: and what are you to think of that establishment, now, when it increases every expense of the whole country,—when the expense of collecting the revenue stands at double what it was before, under the old government? If I should state no more than what I have stated, would not your Lordships instantly come to this conclusion,—that it was for corrupt purposes that the provincial Councils were established,—that it was for corrupt purposes that these tools were put into the hands of Gunga Govind Sing, and that Gunga Govind Sing was invested with the whole management of the revenues of Bengal?

Corrupt motive in establishing the provincial Councils.

Having stated so much to your Lordships upon these subjects, the next point will be to show how Gunga Govind

Treatment of the committee of

* The paper referred to has not been found.

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revenue by Mr. Hastings and Gunga Govind Sing.

Presents received from persons to whom the several provinces were let.

Sing and Mr. Hastings used the committee itself. And I now come to state explicitly to you that the first acts of that committee;—God knows, I charge not the committee, for they state themselves to be tools in the hands of Gunga Govind Sing;—but the first acts of Gunga Govind Sing and Mr. Hastings were these,—to let the province of Behar to a person of the name of Kelleram, who paid Mr. Hastings 40,000*l.*; to let the province of Rajeshaye to a miscreant of the name of Nundulul, who gave to Mr. Hastings 6,000*l.*; to let the province of Dinagepore to a person of the name of Deby Sing, from which province, but from what person I cannot say, Mr. Hastings took 40,000*l.* I shall also state to your Lordships that he let the province of Burdwan to a person of the name of Nobkissin, from whom he afterwards received 30,000*l.* I shall also state to your Lordships that he let the province of Nuddea, under the administration of this committee, to the Raja himself, from whom he took 15,000*l.* These are the acts which were the immediate consequences following upon this committee; this was the consequence of this new change in the administration of the revenue; these are the purposes for which Gunga Govind Sing was employed! Your Lordships will now, I hope, do me the justice to say that it was not for the sake of wandering into extraneous matter that I found it necessary to state all the variations which have been practised in the collection of the revenue, for they are not only extremely relevant to aggravate the criminality of this charge and to show how this corruption was carried on, but they are, in themselves, direct substantive charges before your Lordships.

Infamous character of Kelleram.

About the middle of the year 1780, there was a person, of the name of Kelleram, who was in confinement in a gaol near Patna for a balance that was owing to the Company. This man, I shall prove to your Lordships, was of the most notorious character in the whole country of Behar. He was a person detested by his own family, detested by every one who knew him, and a person that had suffered the greatest disgrace which could befall an Hindu—he had lost his caste; and I cannot state his character in stronger words than as he is stated in one of the papers before me by one of his relations,—"he is a character that is not to be found in Hindu or English book; his wickedness is proverbial." But, however, such as his character was, he was actually in

Mr. Hastings aware of his character.

gaol. I shall show that Mr. Hastings was not ignorant of the character of that man. In the year 1780, a letter is

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received by the provincial Council at Patna, desiring that Kelleram may come down immediately to Calcutta. Upon the receipt of that letter there is a division in the provincial Council with respect to the propriety of his going down, and those who oppose his going down state, it is impossible that Mr. Hastings could order Kelleram down to Calcutta if he knew he was actually in confinement for a balance. But, however, it was carried, and down he went. The Council had made an annual settlement, at the rate of about between 32 and 33 lacs a year. They had made that settlement with the inferior renter and the inferior zamindar. I shall show your Lordships that that sum of 32 lacs, so put there, was equivalent to the offer, accepted by Mr. Hastings, of 34 lacs from this Kelleram. But, when Mr. Hastings gets Kelleram to Calcutta, all at once, he lets the whole province of Behar for 34 lacs, and secretly and privately takes from him a present of four lacs for himself. To have done this under the old administration was impossible.

The province of Behar let to Kelleram, and a present accepted from him of 40,000*l.*

Just about the time of the change,—and, probably, it was one of the great reasons that led him to make that change,—he receives this 40,000*l.* from Kelleram. He conceals it from all mankind; and his name was not discovered, nor did we know till we came to examine Mr. Anderson at our bar, from whom this money was taken;—so secret was Mr. Hastings in it! I shall prove that Mr. Hastings knew Kelleram to be a person of the most infamous character. I shall prove that Mr. Hastings knew that, in letting it to Kelleram, he contradicted every one of his own principles, for he was no native zamindar; he contradicted every one of his own principles, for he let the whole country to him. He put him into the kingdom of Behar, as it were, a sort of middle man between the government and the zamindars, and invested him with an authority which is often abused in the hands of good men, but impossible to be otherwise by bad men.

Concealment of the present.

Mr. Hastings conscious of breaking his own principles by the appointment.

The first act was to appoint Gunga Govind Sing as diwan to the revenue Council; which was, in fact, making the Council a tool in his hand. The next act of his administration was to place this miscreant, Kelleram, a check upon himself, in the character of diwan; and, in the character of diwan, he was to check and do away those oppressions which he himself was to commit in the character of farmer. Over this farmer—whom Mr. Hastings has stated to be under the necessity of being rigid and even cruel—over this

Gunga Govind Sing the accomplice of Kelleram.

16 Feb. 1790. cruel and rigid farmer is that very farmer, in another name, put, to check those evils he himself was to create. Whether that is possible to be done from good motives, or whether the corruption and the pecuniary receipt was not the cause, I shall leave your Lordships to determine.

Astonishment of the people at the appointment of Kelleram.

I shall prove at your Lordships' bar what impression this made upon the minds of the people,—how astonished they were that Mr. Hastings should rake into their gaols in order to select a person so to lord it over them, and that he should withdraw from that person every check and control. It was forcibly described by one of the witnesses at the bar of the House of Commons, and, no doubt, he will describe it to your Lordships as he did to us. When he was asked what impression the introduction of Kelleram into that high authority made upon the province, he said,—"they dreaded it worse than a Mahratta invasion."* Such was the impression that this act did produce, which Mr. Hastings tells you was for the benefit of the India Company! Was it for the benefit of the India Company that 40,000*l.* should be put into the pocket of Mr. Hastings? Was it for the benefit of the India Company that persons should be put to command in their provinces who were dreaded worse than the terrible and destructive invasion of a Mahratta army?

Oppressions practised by Kelleram.

But I shall show your Lordships that this man, so put, used his power as such a man naturally would use his power; that he ravaged and depopulated the whole country; that he was guilty of every species of oppression; that the revenue fell off, the people were unhappy, the country was desolated, and that all was misery around him. Then shall I be told,—"all this I did for the advantage of the India Company?"

Selfish objects of Mr. Hastings.

Will not your Lordships conclude, with me, that the provincial Councils were abolished, that Gunga Govind Sing was appointed, for the sake of facilitating these receipts? Will not your Lordships agree with me that the money was the motive for placing Kelleram there? Will not your Lordships agree with me that it is the greatest and grossest aggravation that can attend any crime of this nature, that for that money he sold a province, and for that money given to Mr. Hastings your people were plundered?

* The witness referred to was Mr. Young, member of the provincial Council of Behar. The question was repeated to him at the trial, but objected to by Mr. Hastings' Counsel, and the objection supported by the Court.—See "Minutes of the Evidence," p. 1215.

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Loss to the revenue by Kelleram's arrears.

Having proved these facts to your Lordships, and having proved to your Lordships that Kelleram fell into great arrears to the East India Company, and that, so far from paying the revenue he contracted for, that very year he was in arrear to the amount of 70,000*l.*, I shall show that, so far from [the arrangement] being of advantage to the revenue, even if the money given to Mr. Hastings had been paid to the Company, it turned out to be a great loss; for that, that very year of his lease, Kelleram was obliged to be turned out, at a loss of 70,000*l.* to the Company.

Case of Dinagepore.

Having shown your Lordships the case of Kelleram, in all its extent and in all its enormity, I shall then proceed to lay before you another case which has made a great deal of noise in the world,—I mean the case of Dinagepore. The case of Dinagepore must be presented to your Lordships in a double light. A sum of money was taken from the province; from whom it was taken I know not: that it was taken, that it was paid to Mr. Hastings through Gunga Govind Sing, I shall prove by the most incontrovertible evidence. I have heard it said, and I believe I have seen it in print, that it was taken as a peshcush, or a fine of investiture, as it is called, for the succession of the young Raja of Dinagepore. A term of the feudal law of Europe is transported into Bengal, for the purpose of finding a pretence for this sum so taken. But this I know, my Lords, that, for whatever cause it was taken, from whomsoever it was taken, the only story that has been told about it that cannot be true is that one; for I shall show to your Lordships that, over and above that sum of money, there was a regular peshcush taken from that young man, that it was regularly entered in the accounts of the Company, regularly carried to the credit of the Company, totally independent of the sum I have stated; so that, however it was taken, from whomsoever it was taken, the only account given of it by anybody pretending to be a friend to Mr. Hastings,—that it was taken as a peshcush, or fine of investiture, for the young Raja,—is the only account, of all the accounts, that cannot by any possibility be true.

A sum of money taken from the province.

The sum taken independent of the peshcush paid by the young Raja.

Evil consequences of raising the money on the province.

This must not only be represented to your Lordships as a sum of money taken from a province, but I shall show to your Lordships the dreadful and horrible consequences which followed that sum so taken. I shall show that the debt incurred by the country, in consequence of that, afforded an excuse for letting loose the greatest miscreant in Bengal

16 Feb. 1790. upon it. I shall show that the administration of the committee of revenue was corrupt: and I do not know how I can better show that an administration of a revenue has been corrupt than by showing that it was applied to wicked and nefarious purposes. I shall show that the first act of that committee was to employ that person. I shall show you the power with which he was invested, and the uses of that power; and that all this flowed from, and was the direct consequence of, overturning the provincial Councils, and the direct consequence of that bribe which was taken by Mr. Hastings from Dinagepore.

Corrupt administration of the committee of revenue.

Mr. Hastings responsible for the misgovernment of the province.

I may be told that Mr. Hastings is not responsible for the acts of that committee of revenue; that Mr. Hastings is not responsible for the acts of Deby Sing. I am not pretending to make Mr. Hastings responsible for the acts of Deby Sing, as if Mr. Hastings himself had literally and directly committed those acts. But I make Mr. Hastings responsible for the misgovernment of the province, in the appointment of Deby Sing; and I shall give an account of Deby Sing before your Lordships, in evidence, in order to show you that the province was misgoverned in the administration of Deby Sing.

If I was to state that Mr. Hastings had improperly delegated the authority that was vested in him by the laws of this country to a committee of revenue, I should say that, whenever a man takes to himself a legal power and authority, and then divests himself of that which is vested in him by law, he may fling off the execution of his office, but, by no twist, shift or contrivance, can he delegate away that responsibility which your Lordships have imposed upon him. He need not do the act personally, but, if he does not do the act himself, he must be responsible for the man who does it, because your Lordships have invested him with a responsibility for the good government of that country,—you have invested him with special responsibility for the administration of the revenue. He has himself declared that it is a trust which cannot be partially delegated, and yet he has, himself, delegated that trust. But I have not to encounter that difficulty, or to press your Lordships with that argument in this case, for I shall show to your Lordships that Mr. Hastings actually knew that Deby Sing was appointed to the government of these territories. I shall show your Lordships that Mr. Hastings actually knew that every control and check was withdrawn from Deby Sing. I shall show your Lord-

Mr. Hastings aware of the appointment of Deby Sing to the government of the provinces.

ships that Mr. Hastings actually knew of all the pretences which led to the putting Deby Sing into the government of these territories. And if I should do that, it is enough for me, whether his delegation was right or wrong: if he knew it, and that it was wrong, he ought to have checked it. 16 Feb. 1790.

Aware of his infamous character.

But I may be told,—"Ah! but he, innocent man, living in Calcutta, did not know the infamous, nefarious, character of Deby Sing." I shall show your Lordships that he did know that Deby Sing was every thing that I shall represent to you. I shall show you that, in the year 1774, Mr. Hastings had tried and convicted Deby Sing. I shall show that the crimes of which he convicted him were crimes, of all others, which ought to have unfitted him for that great station in which he placed him. I shall show that, in 1774, he tried, convicted and condemned, that very Deby Sing for the crimes of extortion, violence and oppression; and yet, after such a knowledge of the man, he places that convicted felon, that extortioner, that tyrant, in the government of a great and mighty province! In the famine in 1777, Deby Sing was the great instrument of mischief; Deby Sing aggravated all the evils which the wrath of God had inflicted upon that unfortunate country. That famine, in which near a third of the inhabitants of Bengal perished, was doubly aggravated by the rapacity of Deby Sing. Mr. Hastings, having tried and convicted him of the crimes I have mentioned, after all that, places him in the government of a mighty province. Shall I then be told that Mr. Hastings is not responsible for the acts of that man whom he places, knowing him to be infamous, in a situation of great power and authority, and from whom he withdraws all those checks and controls which are, in the best governments, necessarily put upon the best of men? I shall prove Mr. Hastings himself thought and said—"I so well know the character and ability of that man who was put into that situation, that I believe him capable of committing every enormity laid to his charge, and I believe him not only capable of doing it, but I believe he has the ability to conceal it." Yet, Mr. Hastings puts that person in that high situation; and then shall I be told that it was for any other but wicked and corrupt purposes that Mr. Hastings abolished that good government, with all those necessary checks, and established this weak and inefficient government, for all the mischiefs that attended it?

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Increase of revenue levied on the territory.

One of the first acts of the committee of revenue was to inform the infant zamindar of Dinagepore that they meant to have an increase levied upon his territory. They informed him that they were determined to make an increase of one lac [in his tribute], and a diminution of 50,000 rupees in the allowance that was made to him. This infant did not immediately comply with their terms. The next day the committee met, his servant is told that, instead of the one lac that was demanded of him, he must pay two. He tells the Committee,—"I will pay two, if you insist upon it; I will sign an increase of anything, but I tell you the country cannot afford it; I tell you it is impossible to make it good out of the country. I tell you that the country is so ruined and exhausted that it can afford no increase whatever. However, as you insist upon it, have it you must; but you must take it with my information that the country cannot pay it."

Remonstrance of the Raja.

The Raja set aside, and Deby Sing appointed.

What does the committee of revenue? That very day they accept the proposal of Deby Sing, and turn this unfortunate young man out of his territory, merely because he had told them that the country could not afford to pay what they demanded; and they let that country to Deby Sing that very day. What information had they that the country could afford to pay it? The only information that lay upon their table was this,—a letter from their chief there, Mr. Maxwell, informing the committee that the country had not yet recovered from the mischief and the miseries of the famine in 1777. With such information before them, they exact an increase of 20,000*l.* Knowing that all the mischiefs of that famine were aggravated by this miscreant, Deby Sing, they send this miscreant back to that country, in order to complete the mischief and ruin he had begun in 1777. Did Mr. Hastings know that conduct? I shall show that all the proceedings of the committee were regularly transmitted to him; that he knew of that appointment of Deby Sing. Then the Raja was in balances to the Company: most unquestionably he owed to the government the sum of 6,300*l.* So, upon pretence of his saying that his country could not pay the increase, and upon pretence of this debt of 6,300*l.*, the young infant is turned out of his territory, and this villain Deby Sing is placed in the possession of it.

The committee aware of the exhaustion of the country.

The Raja deposed on pretence of debt to the Company.

His debt occasioned by the withdrawal of large sums from the country by

Why did that debt accrue? I will tell your Lordships why:—because Mr. Hastings and Gunga Govind Sing were in the private receipts of sums of money out of that country, amounting, in the whole, to four lacs of rupees, which they

had levied upon that country privately. Do your Lordships wonder that, when 40,000*l.* is plundered from a country by Mr. Hastings, the Raja should run 6,000*l.* in debt to the Company? Ought not Mr. Hastings to have stood forward upon that occasion, and told the committee of revenue,—"It is true this miserable infant is in debt to the Company the sum of 6,000*l.*; but you forget that, over and above his revenue, I have in my pocket 40,000*l.*, which I have received from that country. It is true he has paid, not only his revenue, but a great deal more than his revenue. It is not due for a peshcush, because you yourselves know you credit a peshcush in account. The peshcush is settled and fixed; it cannot be that sum of money. It is a payment that is made to me, upon whatever account it is made or however it is made. For God's sake, do not tear the estate from that unfortunate young man for the trifling debt of 6,000*l.*; do not fly to the convicted felons of Calcutta in order to put a person in his estate; for the Company is overpaid: it is in my pocket—it is in the hands of Gunga Govind Sing."

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Mr. Hastings.

What does Mr. Hastings do? He conceals all this transaction. He lets no person know, nor did anybody know till 1786, that this money was received from Dinagepore; but in that year we find that, when Mr. Hastings allowed his committee to make a pretence of this trifling debt of 6,000*l.* for dispossessing a minor of his inheritance and putting a vagabond in charge of his estate, he from that moment carefully concealed from all mankind that 40,000*l.* was paid to himself.

Concealment of the sums received by Mr. Hastings.

What is the next act of Mr. Hastings? He appoints Deby Sing to be diwan of the province of Dinagepore, and gives him a considerable salary for executing that office: and if he had well executed it I confess he well deserved the salary, for much would the diwan have to do. But I doubt much whether Deby Sing, who had ravaged a country, who had taken away to the amount of 400,000 maunds of corn from one country, was a proper person to put as a check upon anybody; sure I am he was the most unfit of all persons to be a check upon himself. But this very Deby Sing is the person whom Mr. Hastings himself places as diwan of the province of Dinagepore. Are you to wonder that the province was plundered and oppressed? Are you to wonder that all good government was at an end? Are you to wonder that the whole country went to wreck and ruin? No, it is impossible that it could have been other-

Appointment of Deby Sing as diwan.

6 Feb. 1790. wise. Every step that was taken by Mr. Hastings was in order to establish bad government in that country; and upon the wickedest, falsest and most frivolous, pretence of a trifling debt due from this Raja, this man, whom Mr. Hastings knew to be the person that I have described him to be, is placed in charge of the collection of that country.

Deby Sing appointed guardian to the Raja.

I should state that he not only was put in charge of the collections of that revenue, but that, sometime afterwards, that very person, so known, so described, is put into another charge. This young zamindar is found to be a little more in debt to his private creditors; and the government, kindly undertaking the office of his guardian, set themselves about to find out a proper person who would arrange and manage his affairs and pay his private debts. Who is the person whom they select? Deby Sing is the person. So that he is invested with every species of authority which that country knows—farmer, diwan, guardian to the young zamindar: all these authorities vested in him!

Duty of Mr. Hastings to have prevented the appointment.

I know extremely well that this last act was not specially and particularly the act of Mr. Hastings. I know he was not at Calcutta when it was done. But it was Mr. Hastings' duty to have told his colleague, whom he kept in office; above all, to have told that committee of tools, and, above all, to have told his bribe-broker, Gunga Govind Sing,—"I know this young man is in debt to the amount of 20,000*l.*; I have 40,000*l.* of his in my pocket; for God's sake, take care of him."

He and his committee put the greatest tyrant that could be picked out in Bengal into all these offices. Need I tell your Lordships that everything that was to be dreaded from that followed? The first act of Deby Sing was to establish a great increase all over the country: a great increase had been established by the guardian of the young Raja during the year he had it; it was established to pay the 40,000*l.* to Mr. Hastings: and Deby Sing, instead of collecting fourteen lacs, collected sixteen lacs from the country; and he not only got this given to him from the country, but more, to the amount of 300,000*l.*; which all ended in universal rebellion and confusion.

I cannot state the severities committed in that country in stronger terms than Mr. Hastings himself has transmitted to this country.

Rebellion occasioned by Deby

In 1782 there broke out an universal rebellion all over the country. Deby Sing fell into monstrous arrears to the

Company, and was turned out of his province. In the year 1783, Gunga Govind Sing and Mr. Hastings sent up a person, of the name of M'Dowal, to see what was the actual state of that country. He reports to that committee: and Mr. Hastings, uncontradicted, sends over those accounts to this country as containing a true and actual state of Dinagepore. He says,— 16 Feb. 1790. Sing's severities.

"The state to which I found the country was reduced by the severities which had been exercised for the last two years gave me the greatest concern . . . . many villages being left without a single inhabitant." * Accouut of state of the country.

Such are the accounts of that country after the fostering and protecting hand of Mr. Hastings had taken care of it. The country is desolated, ruined and destroyed; whole villages empty; every thing in desolation, confusion and ruin. And yet Mr. Hastings tells you,—"I appointed this committee for the benefit of the Company. I appointed Deby Sing for the benefit of the Company. I took this money for the benefit of the Company." Was it for the benefit of the Company that he appointed this committee?—was it for the benefit of the Company that he appointed Deby Sing?—was it for the benefit of the Company that he took this money?—was it for the benefit of the Company that whole provinces should present nothing to the eye but an universal scene of havoc? Yet such is the good government of Mr. Hastings; and such is that country which, in other places we are told, was safe, happy and prosperous, under his government!

These are not the only accounts that were sent down by Mr. M'Dowal. I state them because they are the uncontradicted accounts of Mr. Hastings himself; for these accounts, so received by Mr. Hastings, he transmits over to this country as containing the true situation and state of the country. But that is not all, for he proceeds to act upon these accounts. He and his committee take these accounts; they proceed to act upon them; and, in the year 1783, they again let the country to the young Raja at a considerable reduction in its revenue, which reduction they state to be absolutely necessary in consequence of its impoverished state. I am obliged to go into all these matters, because Mr. Hastings has attempted to state in his answer that those sums of money he took were for the use and benefit of the M'Dowal's account adopted by Mr. Hastings. The province let to the Raja at a reduced rent.

* No copy of this paper has been found.

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Loss accruing to the Company in all cases where Mr. Hastings took money for letting the provinces.

East India Company. I shall show your Lordships that, so far was it from being for the benefit of the East India Company, in no place where he took a sum of money from a province, was it not attended with a direct loss to them, and so much so in this case that, in the year 1783, they were obliged to let this very land to the zamindar at a jama lower than he or his father had ever held it for before.

Mr. Hastings acting against his own principle in depriving zamindars of their lands.

I must upon this occasion remark that the committee again revert to the old principle established by Mr. Hastings, that, in every instance where there has been a necessity for depriving a zamindar of his land, no other person that succeeded to it has made it so advantageous to the Company. That was the opinion of Mr. Hastings. I never find him deviate from it but where I find a sum of money. He deviated from it in the instances of Kelleram and of Deby Sing, and he took a sum of money from the province in both. Then I have a right to say that, if I find him constantly deviating from his rule, but never deviating from it without the deviation being accompanied with a sum of money, that sum of money was the cause of that deviation. It was not an ignorant deviation: he knew the consequence of it.

Mr. Paterson sent to inquire into the state of the country.

Soon after this, Mr. Paterson was sent up to inquire into the situation of this country. He states every species of cruelty to have been exercised that it is possible to exercise upon man. I have been told that it is not proved that those cruelties existed. I state that it is proved that every one of these cruelties existed; at least, if every one did not exist, that by much the greatest part of them existed. Mr. Hastings did not choose to give implicit credit to the report of Mr. Paterson, and a second commission was sent up, who report, almost in the same terms, the actual execution of those cruelties.

A second commission to inquire.

I shall have occasion to state, by and by, upon what a quibble and pretence it is that they say that those cruelties were not exercised. They were not personally exercised—many of them—by Deby Sing, to be sure: the great governor of a country does not upon all occasions condescend to exercise the part of a hangman: but they were exercised by his minions. That second commission ushers in its report in this way,—

Answer to the plea that the cruelties were not perpetrated by Deby Sing.

"To enable the Board to form . . . . never were used in enforcing the payment of the revenue before the year 1188."*

* The report referred to has not been found.

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That year, 1188, is the year of Deby Sing's lease. I care not who exercised those cruelties. I care not whether it was Deby Sing or any of the miscreants that attended Deby Sing. It was done under the government of Mr. Hastings, and I charge Mr. Hastings with the misgovernment of that country. They proceed, in another part, to state that in this province of Dinagepore every one of those cruelties were exercised. I know what the commissioners say. They say that the last charge of flogging children to extort payment from their parents is not proved. But how do they say it? They say,—"If, as we conceive, by children is meant those of nine or ten years old, then we find the charge not proved; but if it is meant by the charge that children are boys of fourteen, then the charge is proved."

Mr. Hastings responsible for the government of the province.

Charge of flogging children.

Good God! my Lords, can you sit with patience to hear a set of men discuss about the age of puberty, and doubt whether the charge is proved, because it happens that one of the unfortunate victims of that charge has, perhaps, passed the age of fourteen? My Lords, these are not my words; they are the words of the commissioners, without the least amplification. They are the words of these commissioners, whose opinions have been bruited about the world as stating that not one of the offences charged to have been committed by Deby Sing has been proved.

If it is true, as the commissioners state, that these are the usual and ordinary modes of collecting your revenue in Bengal, dreadful would be our situation. If these are the modes of collecting a revenue in Bengal, much would it call for your Lordships, in another capacity, to exercise your authority. I am happy to say, I do not believe that these are the usual modes of collecting your revenue. I have it from the authority of all those who are concerned in the Supreme Council, that these are not the usual modes. But if these are not the usual modes, what must you think of the commissioners who can boldly state a falsehood, reflecting upon the character of your country, to the very Supreme Board at Calcutta, in order to justify such a miscreant as Deby Sing—in order to take a little from his offence and to load the country with much? Every one of these cruel oppressions was introduced in the year 1183—corresponding with our years 1781, 1782—under the government of that person. These cruelties could not have existed under another system of government. Mr. Hastings had oppressed

The cruelties resulted from the efforts to raise money.

16 Feb. 1790. the country in order to raise 40,000*l.* out of it; that oppression is made the pretence of putting Deby Sing there. Deby Sing could not pay without oppressing the country, and, for fear he should not have ability to oppress the country, every check and control is withdrawn from him.

Lord Cornwallis' opinion of the cruelties practised.

It is said that these are only the opinions of the commissioners. I shall prove these facts to your Lordships by the incontrovertible opinion of Lord Cornwallis, when he tried that cause,—for Mr. Hastings left that cause to Lord Cornwallis to try, as a legacy. He tried that cause, and convicted the persons concerned of having committed every one of those cruelties I have stated. He states the unfortunate situation of that country, in the beginning of his judgment upon that subject. "I know," says he, "that that country was much over valued in the Bengal year 1188. I ascribe that to two causes,—first, to the ignorance of the committee, and next, to the oppression and wickedness of Deby Sing;"—to the ignorance of that perfect system of government which Mr. Hastings tells you he had established. And Mr. Shore, who was one of that committee, in giving his judgment upon that case of Deby Sing, says,—"It is true, the country was over valued; it is true that Deby Sing put an amazing increase upon the revenue of that country—that he demanded more, infinitely, than all that country could pay." But what could Deby Sing know about Dinagepore? He must have been ignorant of its situation, and might have demanded a large increase, thinking they could pay it. Why then did Mr. Hastings send a man to a country who knew nothing about it, and why not send a man to prevent him from committing all these excesses?

Mr. Hastings responsible for Deby Sing's conduct.

Acquittal of Deby Sing by Lord Cornwallis.

I am told, and have been told sometimes out of doors triumphantly, that Lord Cornwallis acquits Deby Sing of the actual commission of a great many of these cruelties. I know he does; he acquits him in the same manner as I now acquit Mr. Hastings, of the actual commission of those cruelties, but he charges the actual commission upon his deputy. It is equally indifferent to me whether they were committed by the one or the other; they were committed under the government of Mr. Hastings, and Mr. Hastings is responsible for the good government of that country. It is not with the commission of the cruelties that I charge him, but with having governed that country so that such cruelties could be committed under his government. I charge

The cruelties charged on his deputy.

him with having oppressed, plundered and ruined, the country of Bengal, for the sake of and through the medium of that corruption he has taken. 16 FEB. 1790.

Good God! if we are to carry the evidence of responsibility in the way stated, where are your Lordships to look for responsibility in the government of Bengal? Mr. Hastings comes to your Lordships' bar and says,—"I am not responsible for those acts, I delegated my power to the committee." The committee come to your bar and say,—"We are not responsible for those acts, we delegated our power to Deby Sing." Then comes Deby Sing to your Lordships' bar, and tells you,—"I am not responsible for those acts; my deputy is responsible, who is the person that did it." And your Lordships are sent to seek the responsibility of British government in Asia from the lowest miscreant to be found in the province of Dinagepore.

Question of Mr. Hastings' responsibility.

Such would be the effect of that doctrine of responsibility, put in the way in which they put it. Let him delegate, as he pleases, through a hundred hands all the power he had, he cannot delegate that responsibility. I charge him with having placed the government of that country in hands that could not be good, and I charge him with having taken a present of 40,000*l.* from that country.

I have shown to your Lordships that Kelleram was no zamindar, but a farmer. I have shown your Lordships that every check upon him was withdrawn. I have shown to your Lordships that Deby Sing was exactly in the same situation; and, having shown to your Lordships that both these countries were oppressed, ravaged and ruined,—having shown that from both these countries, so oppressed, ravaged and ruined, a sum of money was privately taken by Mr. Hastings and concealed by Mr. Hastings,—I have now to come to another case, that of Rajeshaye.

Your Lordships will find that Mr. Hastings is charged with having taken a sum of about 6,000*l.* from a person of the name of Nundulul. Mr. Hastings knew Nundulul to be a person of as infamous character as either of the two persons I have mentioned to your Lordships. Nundulul, I will prove, was concerned in the corrupt transactions in which Mr. Hastings' banya was concerned, in the year 1773. In the year 1773, there was a charge made by the Rani of Rajeshaye of sums of money taken by the banyas of Mr. Hastings, of Mr. Middleton and of Mr. Graham. That charge was completely and perfectly proved, to the

Case of Rajeshaye. Mr. Hastings' acceptance of 6,000*l.* from Nundulul.

Character of Nundulul.

Charge by the Rani of Rajeshaye against Mr. Hastings' banyas of

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taking sums of money.

satisfaction of all mankind. The persons who paid the money came and swore positively that they paid such and such sums of money to the banyas of these three gentlemen. The question that was put at the Board was this,—"Is it proved that such a sum of money was taken?" Every one of the Council, except Mr. Hastings, says it is proved. They could not say otherwise, for three men upon their oaths swore positively that it was paid to them: and then comes Mr. Hastings and says,—"I do not think the charge proved." Nundulul was concerned in this charge; Nundulul has been concerned in concealing that charge,—in preventing its coming forward to the Council. In consequence of that he was dismissed by the majority. Mr. Hastings chooses to adopt that charge against his banya so dismissed, and to say that a charge against his banya is a charge against himself. Mr. Hastings is told by everybody that Nundulul is a person of a character the most infamous in the province to which he belongs. Notwithstanding all that, he is protected by Mr. Hastings. At the moment of the unfortunate death of Colonel Monson, in 1776, he is again put into high office—is placed in the same office with Gunga Govind Sing, as one of Mr. Hastings' amils; and, being so placed, he is then accused—I do not care whether truly or falsely—of misusing and misconducting himself in that office.

Nundulul concerned and dismissed.

He is defended by Mr. Hastings.

He is again placed in a high office by Mr. Hastings.

The first act of Mr. Hastings' committee is, to demand from the province of Rajeshaye an increase more than it could afford to pay. The Rani of Rajeshaye comes down to to the committee and says,—"I cannot give the increase you demand of me." That very day that she refuses, they complete a bargain with Nundulul. Before that bargain was finished, the Rani informed the committee, by her servant, that she was ready to give the increase demanded, rather than this miscreant and this enemy of her house should be put over her estate. They turn her out of her possession because she is an hour too late in her offer; and they put this person, who was her own dismissed servant, into the charge of the collections. This person acted as one would naturally suppose he would act. He did, exactly, what all those other persons have done: he oppressed the country; he made the ryots fly; he left whole villages without an inhabitant, and desolated the country of Rajeshaye. A complaint was made to the committee; a formal charge was specifically made, and entered upon the

Demand from the province of increased rent.

Remonstrance of the Rani, and her ejection from office.

Appointment of Nundulul.

His oppression of the province.

books of the committee against him for this oppression. I will show to your Lordships, from opinions that I am sure will not be controverted, that he fell into large balances to the Company. I shall show it from opinions that I am sure not one of my learned friends will controvert—the opinion of a fair, respectable and impartial, man, who was sent up into that country, and whose letters I shall produce by and by—a gentleman of the name of Dallas,—who states that he found that country in exactly the same situation that Mr. Paterson found Dinagepore, and the other gentlemen found Rajeshaye after the expiration of Nundulul's lease. And, instead of paying the rent he bargained to pay, he, too, fell 40,000*l.* or 50,000*l.* in arrear, in that very year in which the country was so oppressed.

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His arrears in account.

In consequence of that complaint which I stated to your Lordships, Nundulul was called upon by the committee to give an answer. He attempts to answer some part of the complaint, but the principal and the best answer which he makes to the complaint is,—"I have seen Mr. Hastings and Mr. Anderson at Moorshedabad." Upon reading the complaint and the answer, and well understanding the emphatical meaning of that phrase, the committee immediately give this extraordinary verdict upon the complaint which is before them: your Lordships will always understand that I do not charge the committee as being criminal with any of these acts, because I know they were what they represent themselves to be, tools in the hands of Gunga Govind Sing, and, therefore, it will be fair for me to state this as the opinion and verdict of Gunga Govind Sing upon his friend:—

Nundulul's answer to the complaint against him.

Reference to Mr. Hastings.

"The Committee find that it is impossible to form a decision . . . *

Judgment of the committee of revenue.

An assertion made and contradicted may be an occasion for a committee to inquire; but, surely, it is not quite a sufficient reason for a committee to acquit. They proceed to state,—"that it is probable that in most instances the offences are exaggerated,"—why it is most natural that the allegation was untrue or exaggerated I am totally at a loss to comprehend; but the committee choose to think it is probable that those allegations are exaggerated,—"and, admitting this, probably the complaints would be less

Acquittal of Nundulul.

* The papers relating to the inquiry into the affairs of the province of Rajeshaye are printed in the Appendix to the Eleventh Report from the Select Committee on the affairs of India; but the document referred to has not been found.

16 Feb. 1790. serious than they appear to be." Most unquestionably, it did not require either the wisdom of that committee or the wisdom of their master, Gunga Govind Sing, to discover that, if a complaint is exaggerated, it is exaggerated—which I take to be the purport and meaning of the words I have now read: that, most unquestionably, is a conclusion irresistibly true. "This complaint, which is stated to be asserted on one hand and denied upon the other, we believe to be exaggerated, and if exaggerated is unquestionably exaggerated." They go on then to give their verdict upon it,—"Under these circumstances the committee deem it more material to prevent these severities in future."

It was the duty of the committee to enter into an examination of what passed; it was the duty of the committee to punish what was amiss. But I will show your Lordships the singular mode this committee took to prevent those severities in future; for it was just as singular and extraordinary as any part of what I have read to your Lordships. They do not write to condemn Nundulul; they do not write to desire him to be more cautious in future; they do not write to him,—"we have complaints against you;" but they write to him,—

"Agreed, therefore, that a perwannah be written to Nundulol . . . . not to oppress and injure."

Now is that a fair, impartial, verdict upon the complaint stated? or is it not that they understood those words in his answer,—"I have seen Mr. Hastings and Mr. Anderson at Moorshedabad?"

Mr. Hastings influenced by money received from Nundulul.

I come now to explain what is meant by those words, and then your Lordships will not wonder at that extraordinary verdict. Mr. Hastings upon his way to Benares receives 58,000 rupees; Mr. Larkins tells us that sum was received from Nundulul. Then your Lordships have no difficulty to discover why the complaints were supposed to be exaggerated. Your Lordships have no difficulty to see the force of that strong mode of reasoning,—that, if complaints are exaggerated, they are unquestionably greater than they ought to be. Your Lordships will have no difficulty in seeing the force of that curious sort of reprimand which is given,—"we will protect you in all your rights, and defend you from every oppression." He had given Mr. Hastings 58,000 rupees at Moorshedabad: the complaint vanishes, and you hear no more of anything against him, till, at the

expiration of his lease, when he falls in balance to the Company, Mr. Dallas is sent to see if his justice and humanity can remedy all the oppressions and mischiefs which were occasioned by that farmer. "I have seen Mr. Hastings and Mr. Anderson at Moorshedabad," is a complete answer to all the complaints of the rayats. But you find the country desolated and wasted; you find the rayats flying from one corner to another; you find it impoverished and ruined, and that, Mr. Hastings having robbed Nundulul of all he could rob him of, he and his committee come back to that system again, and let that country again to the Rani, from whom they had taken it, at a decreased jama.

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The province taken from Nundulul and restored to the Rani.

Why is this jama decreased? Because the country is oppressed. Why is Rajeshaye again let at a decreased jama? Why is the jama of Behar, Dinagepore, Rungpore and Edracpore, lowered? Because the countries have been oppressed by those to whom Mr. Hastings had sold them. And then, I shall be told that this was for the benefit and advantage of the Company!

The jama reduced because of the impoverishment of the country.

The next sum of money which I have to state to your Lordships, as having been received by Mr. Hastings, is certainly the most extraordinary that ever was presented by anybody; and it is still more extraordinary that Mr. Hastings has chosen to vindicate it. I shall state the transaction as shortly as I can; and it is very short indeed.

Case of the borrowing of three lacs from Nobkissin.

"In the year 1784,"—Mr. Hastings states boldly to the House of Commons,—"I was in want of a sum of money. The Company was in my debt, and it was not very convenient for them to pay it; but it was extremely convenient to me that my debt should be paid. However, not wishing to oppress my indulgent masters, I sent to a person whom I knew to be rich, because I had employed him in the service of the revenue, of the name of Nobkissin; I told him I wanted to borrow of him three lacs of rupees; I desired him to bring a bond ready filled up."

Nobkissin brought his bond and the money; but, being greatly in arrear to the Company,—owing large sums of money to Mr. Hastings' masters,—having been entrusted with the collections of the great province of Burdwan by Mr. Hastings,—having misconducted himself and mismanaged those collections,—having been employed under the authority of Mr. Hastings—the authority of the Company—to receive his own debt, and having made use of that authority in order to contract a debt to the Company,—he begs of Mr. Hastings, for God's sake, to take this sum of money. Mr. Hastings takes it, but is doubtful for some time to what account he should put it. At last, when he is about

Nobkissin in arrears to the Company.

Mr. Hastings' pretext for appro-

16 Feb. 1790. priating the money.

to leave Calcutta, Mr. Hastings finds out that, by some strange, unaccountable, mistake, he had forgot to charge 40,000*l.* to the Company, which the Company ought to pay him. Thinking, however, that it was the rakings of a ten years' contingent account, as he called it himself, and that, supposing the money to come out of the Company's pocket immediately, they would have great objection, but that they would have no objection to its coming out of the pockets of anybody else, he accordingly takes that money, and keeps it to himself to this very day. I assure your Lordships I do not exaggerate at all: I shall read Mr. Hastings' own account of it.

His own account of the transaction.

"The last part of the charge states that in my letter to the court of Directors [of the 21st of February, 1784, I have confessed to have received another sum of money, the amount of which is not declared; but which, from the application of it, could not be less than 34,000*l.* sterling. In the year 1783, when I was actually in want of a sum of money for my private expenses, owing to the Company not having at that time sufficient cash in their treasury to pay my salary, I borrowed three lacks of rupees of Rajah Nobkissen, an inhabitant of Calcutta, whom I desired to call upon me with] a bond properly filled up."

Your Lordships will see that the pretence for obtaining this money, first, is as a loan. Mr. Hastings thought it would be a good way of getting 30,000*l.* if he could persuade the man first to let it into his hands, and that the man should get no security for it.

"He did so; but, at the same time I was going to execute it, he entreated I would rather accept the money than execute the bond. I neither accepted the offer nor refused it; and my determination upon it remained suspended between the alternative of keeping the money as a loan to be repaid, and of taking it and applying it, as I had done other sums, to the Company's use. And there the matter rested till I undertook my journey to Lucknow, when I determined to accept the money for the Company's use; and these were my motives. Having made disbursements from my own cash for services which, though required to enable me to execute the duties of my station, I had hitherto omitted to enter into my public accounts, I resolved to reimburse myself] in a mode most suitable to the Company's affairs."*

Reflections.

And the mode most suitable to the Company's affairs is that of robbing one of the inhabitants of Calcutta of 30,000*l.*! I do not dispute that it is a mode extremely convenient to the Company; but whether it is a mode that deserves anything else than a name which I am sure I shall not give it now before your Lordships, and whether it is not a trans-

* Extract from Mr. Hastings' Defence at the bar of the House of Commons —Printed in the "Minutes of the Evidence," p. 1149.

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action highly deserving your Lordships' reprobation, I shall leave to your Lordships to determine. It is impossible I can state anything more upon that subject; the transaction is so fully, and I must say fairly, stated by Mr. Hastings. For he has unquestionably disguised nothing. He sent for the man to borrow money: the man brought it: Mr. Hastings took it and gave him no security for it: all that is true. But I must state that, at the same time that this present was made—at the time that this money was taken—for I am at a loss to know which to call it—at the same time, Nobkissin was in considerable arrear to the Company, and the consequence is that the arrear has never been paid to this day.

Case of one and a half lac taken from the province of Nuddea.

The next fact I have to state, is another act of misgovernment through the medium of this committee of revenue, and which will be a strong proof of the misgovernment of this committee. That will appear in the case of a sum of money said to be taken—I do not know from whom, I suppose from the Raja. All that I know about that transaction is, that a lac and a half of rupees were taken from Nuddea; that, in the years 1780 and 1781, a very strange request comes to Mr. Hastings from this Raja, to desire that he would be so good as to send somebody to witness his will. Accordingly Mr. Hastings sends an English gentleman for form sake, but he sends his own private munshi for substance. The munshi arrives a day before the English gentleman; the will is witnessed; and all that I know about it is this, that the sum of 15,000*l.* is paid, at the same time, to Mr. Hastings. Whether it was for that or what it was for I do not know; but this I know, that the money was paid to Mr. Hastings, by Mr. Hastings' own confession.

The sum paid by the Raja to Mr. Hastings' munshi.

Impoverishment of the province.

I shall also have occasion to state to your Lordships that this province of Nuddea is precisely in the same situation as every other province from which Mr. Hastings took money. For in the year 1782, the Raja of Nuddea, who paid that 15,000*l.* to Mr. Hastings, fell into monstrous arrears to the Company; he is turned out of his possession, by order of Mr. Hastings and his committee, by Gunga Govind Sing; he is put in prison and in irons in order to make him pay his balance to the Company, when Mr. Hastings had more in his pocket, at that moment, than would have paid that balance. So that, not only is your government degraded and disgraced by your Governor taking money, but the man who paid the money ought to have been commended if he

The Raja ejected and imprisoned for arrears of rent.

16 Feb. 1790. had brought it forward as an aid, at the time that you were in distress. Instead of that, Mr. Hastings keeps the receipt a secret; and he and his committee put this unfortunate man, whom I state to your Lordships to be a brahman of the highest rank in Bengal—of the most ancient family in that country—a person who was looked up to by every man, who had any respect for either civil government or religious institution, in the country—they put this man into gaol for his arrears to the Company, while Mr. Hastings had in his pocket money which he had received from that person, more than sufficient to pay that balance.

Concealment of the receipt of the money.

Proof of corruption in the government.

Your Lordships will judge whether this act, done through the medium of his committee, and the other acts I have stated, be acts of good government; or whether your Lordships will not agree with me, that all that I have stated in the first parts of my speech were acts done for the purpose of facilitating the taking of corruption, and of concealing it when taken. If your Lordships should be of that opinion, you will not hesitate to condemn all these changes and innovations; you will not hesitate to agree with me that corruption instituted the committee of Gunga Govind Sing, went all along with, and finished that institution.

Of the sum of money which was iniquitously, cruelly and scandalously, taken from the Raja of Benares, and the sum of 100,000*l.*, which was equally wickedly extorted from Asoff-ud-Dowla, you have heard much. I shall state them, with some other concomitant circumstances, showing Mr. Hastings' different accounts of them. I think I have pretty nearly stated to your Lordships all that I have to say upon the subject of these presents. I have only to state one matter, which I think I had forgot, with respect to the province of Dinagepore, namely, that there were some transactions in that province, prior to Deby Sing's lease, pretty nearly combined with the time when Mr. Hastings took the money. There was a dispute between the Raja and his brother with respect to half his zamindary. After the death of the Raja, there was another dispute. The brother claimed the zamindary against the adopted son. Whether Mr. Hastings, who acted as the judge in that cause and gave a verdict in it, took that money as the price of his judgment I cannot tell: the two transactions do go near hand in hand with one another. And I do now state it to your Lordships, because I know it is the principle of Mr. Hastings that it is a good mode to raise

Disputes respecting the rajaship of Dinagepore.

Money received by Mr. Hastings.

money for the Company through the medium of a disputed succession; and, therefore, it is fair to suppose that what he has avowed in one case he has done in another. 16 FEB. 1790.

In 1774, there was a dispute with respect to the succession to the zamindary of Rajeshaye. The question before the Board was, whether an adopted son succeeded of right or not. I know that Mr. Hastings tells me himself,—"I encouraged the hopes of the person who was not the adopted son to the succession of that zamindary, because I hoped to obtain a re-establishment of the Company's interest through the medium of a disputed succession." He tells me, in 1774, that he thinks it a fit and proper thing for a Governor General of Bengal to sell justice: and, when I see him executing another act of justice, and find it agreeing in point of time with a sum of money taken, I do not strain the argument much in supposing that what he does in 1781 is a sale of justice, he having avowed a similar principle of distributing justice in 1774. I go a step further; because I know that, upon that occasion, Mr. Hastings falsely said that adoption did not convey a right of inheritance; I know that, upon that occasion, he misquoted the decision of the Board upon that subject. There is no such determination, that adoption without the consent of the governing power does not convey a right of inheritance But, be it so or not, he thought it a good mode of increasing the Company's interest through the medium of a disputed succession. I can put no other construction upon these words than this,—that he thought it a good thing to sell justice. And I know that, in 1781, with respect to the succession of the Raja of Dinagepore, he did expressly declare that adoption did convey a right of inheritance; I know he did wrong in the first place and right in the latter. It is equally a crime to sell justice to do right as to do wrong. It does not differ as to crime, it differs only in degree. And I think it is fair to state that matter; to leave it to your Lordships to determine whether this, which afforded a pretence for the evils and mischiefs that followed, did not originate and begin in a sale of justice by the Governor General of Bengal.

Disputed succession to the zamindary of Rajeshaye.

Mr. Hastings' policy of turning the dispute to the Company's benefit.

His assertion of the principle that adoption does not convey right of inheritance.

His subsequent assertion of the contrary principle.

Sale of justice.

Having now finished all that I have to say to your Lordships upon these points, it will only be necessary for me to state a very few of the letters of Mr. Hastings, with respect to these transactions.

Mr. Hastings has thought fit to tell your Lordships that he received these moneys for the Company's use; that he had

Mr. Hastings' assertion that he

16 FEB. 1790. a right to receive these moneys for the Company's use. He has told you that he never meant to apply them to his own use; and that it was a good mode of raising a revenue in the country.

received these moneys for the Company's use.

Proof from his letters that he received them for his own use.

My Lords, I mean to meet him upon every one of these propositions. In the first place, I explicitly deny that, in point of fact, Mr. Hastings received any one of these sums of money for the Company's use; and I shall prove to your Lordships, by the letters and conduct of Mr. Hastings himself, that he took every one of these sums of money for his own use. I will call himself—his letters—as evidence against his answer; and I am sure that, when I state those letters, your Lordships will agree with me that they carry the most convincing and the most irresistible conclusion to your Lordships' minds that he did not take one of these sums of money for the Company, but that he took them all for himself; and that, if he ever did carry any of them over to the Company's account, he did it when at the point of discovery; and whether he ever did so or no, I shall leave to your Lordships as matter of doubt.

The evidence to be founded on Mr. Hastings' own account of the transactions.

It is necessary that I should state to your Lordships that the evidence which I mean to bring against Mr. Hastings is his own conduct, and his own accounts of the transactions; and I cannot bring a stronger or more conclusive or convincing evidence against any man than his conduct at the time, before the time and about the time, of any transaction. It is not to be expected that guilty men will come forward and boldly avow their guilt. Of all species of guilt, the guilt of corruption is that which hides its head. There are other sorts of guilt which are so strangely mixed with the great qualities of the human mind, so oddly compounded with the great talents that adorn mankind, that, sometimes, we look at those crimes with less horror than we ought to do, and are misled from the contemplation of their enormity by admiring the great talents which are necessary to their execution, and by contemplating those qualities, which are something nearly like virtues, which are necessary to carry them into effect. The crimes of a bold usurper, the crimes of a proud, ambitious, man, may sometimes hold up their head in broad day; these require talents to execute which all men admire; these require qualities, in order to carry them into effect, which approach, not very distantly, some virtue. But what talents does it require to be corrupt? What virtue does it nearly approach to receive money for corrupt

purposes? The weakest, the silliest, man may do it; the boldest man is ashamed to avow it. Therefore, my Lords, you are not to expect in this case, of all others, that you should find Mr. Hastings boldly coming forward and avowing that he took this money for his own use; but I shall prove it by his conduct, and by the different accounts of the transaction--by that which cannot lie; for human conduct, though it is the only, yet is certainly a very convincing, evidence with respect to human motive. 16 Feb. 1790.

Strength of circumstantial evidence.

We all extremely well know that a train of circumstantial evidence, well put together, is the strongest evidence that can be presented to the human mind. When the chain of circumstantial evidence is complete, it amounts to that which is nearest to mathematical demonstration. The mind cannot refuse its assent to the proposition which necessarily follows. When we see the whole train of circumstantial evidence complete, so connected with the idea of guilt and so perfectly incompatible and inconsistent with every possible idea of innocence, we do not hesitate to say,—"that man must be guilty!" In that case, my Lords, what do we do? From a train of circumstantial evidence which cannot be invented, from the conduct of the man before, about, at and after, the time, your Lordships, upon many occasions, without the least hesitation, presume a fact to exist.

Case of Capt. Donellan.

Let me put the case, which has been already quoted by some of my friends near me, of Captain Donellan. There was no direct evidence there of the poisoning. The accounts given by Captain Donellan before, his accounts at and after the time, and all the letters he wrote upon that occasion, afforded to the human mind irresistible conclusion that he administered that poison: no man doubted; and the judge and the jury in that case rightly concluded that the fact of the poisoning existed. I have not occasion to desire your Lordships to do so much as to conclude a fact; but I am to desire your Lordships to attend to human conduct, as the only evidence of human motive. I am to state that Mr. Hastings intended to, and actually did, accept these sums of money for his own use. That is a matter which passed in his own breast; his conduct is the only circumstance which can explain it. And surely, if, as in the case of Donellan, a train of circumstantial evidence shall lead to the actually concluding a fact to exist of which we have no direct evidence, much more will that same conduct lead to an irresistible conclusion concerning the motives of the human

16 FEB. 1790. mind; for there is no other way by which human motive can be evinced than by the conduct of the person.

Letters of Mr. Hastings discovering his bribes.

I shall now state the letters of Mr. Hastings; which he calls discoveries of his bribes, and which I call concealments. The first letter he wrote to the India Company upon that subject, he wrote at a critical time indeed,—upon the 29th of November, in the year 1780. Just about that time, an account had arrived at Bengal of the defeat of Colonel Baillie's detachment: and I must state another concomitant circumstance, which might have weighed pretty strongly in Mr. Hastings' mind,—that Mr. Francis was just upon the point of leaving Bengal. Mr. Hastings, some time before that, had made an offer to the India Company of two lacs of rupees, for a particular service: he had offered it as his own money; he came forward, like a generous man, to assist the India Company in its difficulties. Having done so, and those events happening which I have stated, Mr. Hastings writes a letter to the court of Directors, and, under a pretence of disclosing that sum of money which he had so privately received, he actually uses that very letter to conceal a sum of money which he had received to a larger amount; so that one part of the letter is a discovery of a bribe of 20,000*l.*, and the other a concealment of a bribe of 30,000*l.*! He states that they would be surprised by an unusual offer which he had made, and adds,—

Letter of 29 Nov. 1780.

Mr. Francis on the point of leaving the country.

Offer by Mr. Hastings of two lacs for the Company's service.

His acknowledgment of a bribe of 20,000*l.*, and concealment of another of 30,000*l.*

"My present reason for reverting to my own conduct, on the occasion which I have mentioned, is to obviate the false conclusions or purposed misrepresentations which may be made of it, either as an artifice of ostentation or as the effect of corrupt influence, by assuring you that the money, by whatever means it came into my hands, is not my own."*

Unquestionably it was not! He had received it in an improper way and ought to have given it back; but, in this letter, he completely does away all the ostentation of that act, by saying that the money was not his own. What he means by saying it was not the effect of corrupt influence I do not know, because that he leaves precisely as he found it. He says it was a sum of money that came into his hands, that was not his but the Company's. It might have been just as much the effect of corrupt influence after the offer as it was before, for upon that branch of the subject he says nothing. But, be it as it may, he tells them he had received

* Extract of letter from Mr. Hastings to the Directors, dated 29th November, 1780.—Printed in the "Minutes of the Evidence," p. 1103.

a sum of 20,000*l.*, and that sum he says is not his. Now mark the concealment; he goes on to state that— 16 FEB. 1790.

"Something of affinity to this anecdote may appear in the first aspect of another transaction, which I shall proceed to relate."

It is no matter to me, for my present argument, whether that service was right or wrong, but I am willing he should take it, for the present argument, to be right—

"[and of which it is now immediately my duty to inform you. You will have been advised by repeated addresses of this government of the arrival of an army at Cuttac, under the command of Chimnajee Boosla, the second son of Moodajee Boosla, the Raja of Berar. The origin and destination of this force have been largely explained and detailed in the correspondence of the government of Berar, and in various parts of our consultations. The minute relation of these would exceed the bounds of a letter: I shall therefore confine myself to the principal fact. About the middle of the last year a plan of confederacy was formed by the Nabob Nizam Ally Cawn, by which it was proposed that while the army of the Marattas, under the command of Mahdajee Sindia and Tuckoojee Hoolkar, was employed to check the operations of General Goddard in the west of India, Hyder Ally Cawn should invade the Carnatic, Moodajee Boosla the provinces of Bengal, and he himself the Sircars of Rajamundry and Chicacole. The government of Berar was required to accept the part assigned it in this combination, and to march a large body of troops immediately into Bengal. To enforce the request on the part of the ruling member of the Maratta state, menaces of instant hostility by the combined forces were added by Mahdajee Sindia, Tuckoojee Hoolka, and Nizam Ally Cawn, in letters written by them to Moodajee Boosla on the occasion. He was not in a state to sustain the brunt of so formidable a league, and ostensibly yielded; such at least was the turn which he gave to his acquiescence, in his letters to me; and his subsequent conduct has justified his professions. I was early and progressively acquainted by him with the requisition, and with the measures which were intended to be taken, and which were taken by him upon it. The army professedly destined for Bengal marched on the Dussera of the last year, corresponding with the 7th of October. Instead of taking the direct course to Bahar, which had been prescribed, it proceeded, by various deviations and studied delays, to Cuttac, where it arrived late in May last, having performed a practicable journey of three months in seven, and concluded it at the instant of the commencement of the rains, which of course would preclude its operations, and afford the government of Berar a further interval of five months to provide for the part which it would then be compelled to chuse. In the meantime letters were continually written by the Rajah and his minister to this government, explanatory of their situation and motives, proposing their mediation and guarantee for a peace and alliance with the Peshwa, and professing, without solicitation on our part, the most friendly disposition towards us, and the most determined resolution to maintain it. Conformably to these assurances, and the acceptance of a proposal made by Moodajee Boosla, to depute his minister to Bengal for the purpose of negociating and concluding the proposed treaty of peace, applications had been made to the Peshwa for credentials to the same effect. In the meantime the fatal news arrived of the defeat of your army at Conjeveram. It now

16 Feb. 1790. became necessary that every other object should give place, or be made subservient to the preservation of the Carnatic; nor would the measures requisite for that end admit an instant of delay. Peace with the Marattas was the first object. To conciliate their alliance, and that of every other power in natural enmity with Hyder Ally, the next. Instant measures were taken (as our general advices will inform you) to secure both these points, and to employ the government of Berar as the channel and instrument of accomplishing them. Its army still lay on our borders, and in distress for a long arrears of pay, not less occasioned by the want of pecuniary funds than a stoppage of communication. An application had been made to us for a supply of money, and the sum specified for the complete relief of the army was sixteen lacks. We had neither money to spare, nor, in the apparent state of that government in its relation to ours, would it have been either prudent or consistent with our public credit to have afforded it. It was nevertheless my decided opinion that some aid should be given, not less as a necessary relief than as an indication of confidence, and a return for the many instances of substantial kindness which we had, within the course of the last two years, experienced from the government of Berar. I had an assurance that such a proposal would receive the acquiescence of the Board; but I knew that it would not pass without opposition, and it would have become public, which might have defeated its purpose. Convinced of the necessity of the expedient, and assured of the sincerity of the government of Berar, from evidences of stronger proof to me than I could make them appear to the other members of the Board, I resolved to adopt it, and take the entire responsibility of it upon myself. In this mode a less considerable sum would suffice. I accordingly caused three lacks of rupees to be delivered to the minister of the Rajah of Berar, resident in Calcutta. He has transmitted it to Cuttac. Two thirds of this sum I have raised by own credit, and shall charge it in my official accounts. The other third I have supplied from the cash in my hands belonging to the Honourable Company."*

Falsehood in his account of the receipt of the 30,000*l*.

Now I state boldly that there is not one word of truth in all that letter—not one! He states that something of affinity will be found in the first aspect of another transaction. He proceeds to do away that affinity; and the affinity, if any, consists in this,—that he had paid to the Company a sum of 30,000*l*. The affinity he does away by stating that two thirds of it were not his own, but he had borrowed then from others, and the other third he had taken from the Company's cash in his hands.

Now I state to your Lordships,—and I state it from the evidence of Mr. Hastings, himself,—that so far from there being an affinity only in the first aspect of the transaction, the affinity was close and complete; that, so far from Mr. Hastings having done what he ought to do, in doing away that affinity, the affinity follows him throughout; that it is the same transaction in all its parts: it is a bribe

* Printed in the "Minutes of the Evidence," p. 1104.

taken which never belonged to Mr. Hastings or the Company. It is, I believe, the sum of money taken from Dinagepore, but I am not sure; at all events it was a sum of money taken. He states that two thirds he had borrowed from his friends, and the other third belonged to the Company,—cash he had in his hand. Not one word of that is true! Your Lordships observe this is in the month of November. In the month of January, Mr. Hastings comes forward to the Board at Calcutta and tells them that he has expended a sum of 30,000*l.*, or three lacs of rupees, and desires to have bonds for the whole; so that, so far from any of that money belonging to the Company, he upon the first of January takes bonds for the whole sum. In November, he had stated that one third of the money belonged to the Company; for that third he takes a bond to himself, and completely contradicts the account given in this letter.

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Conjectured to be the money taken from Dinagepore.

Contradictions in his statements.

The next account of that transaction that we have, is in a letter of the 22d of May in the year 1782.* That letter, which is the third account of the transaction, completely falsifies both the others,—and it is Mr. Hastings' account, too. [The account accompanying] that letter states,—

Letter of 22 May 1782.

"The following sums were paid into the treasury and bonds given for them in the name of the Governor General, [in whose possession the bonds remain, with a declaration upon each, indorsed and signed by him, that he has no claim on the Company for the amount,] either of principal or interest."

Then follows an account of the two bonds, which he said originally was money that he had borrowed from other people for the use of the Company; so that this account, so far as it goes, falsifies the other parts of the account. The two thirds which he said had belonged to himself now you find belonged to the Company, and the other third which he stated belonged to the Company he takes a bond for to himself. But that is not all: the third bond vanishes entirely and never appears again in any transaction of Mr. Hastings, but is at last brought into light by the letter of Mr. Larkins. Mr. Larkins says, in the year 1786, forgetting all the different accounts Mr. Hastings had given of it,—that, in 1780, he had called two thirds his own and one third the Company's, in 1782, two thirds the Company's and one third his own,—forgetting all that, Mr. Larkins comes forward and says that that bond was converted into a bill upon

Account of the two bonds for money borrowed for the use of the Company.

His silence with regard to the third bond.

Mr. Larkins' account of it in 1786.

The third bond converted into

* Printed in the "Minutes of the Evidence," p. 1114.

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a bill and paid to Mr. Hastings.

England and remitted in the terms of a particular loan. I shall produce that very bill into which that very bond was converted; and that one third, which he stated was cash of the Company's in his hands, I will show you was, in January, converted into a bond; I will show that bond was converted into a bill; I will show that bill itself, paid to the attorneys of Mr. Hastings in England. Then shall I be deemed too bold when I tell your Lordships there is not a word of truth in that first letter I read to your Lordships?

Indorsement of the two bonds as belonging to the Company.

But this is not all; for, upon the 22d May, Mr. Hastings signs an account stating that the two bonds, there mentioned to be in his possession, had then upon them an indorsement declaring that they did not belong to Mr. Hastings, but to the Company. Mr. Hastings signs it and seals it: Mr. Larkins goes a step farther and swears it! Mr. Hastings told the House of Commons, in his Defence, that, being about to go upon a service of great personal danger, in the year 1781, he had indorsed those bonds over to the Company, because he might unfortunately fall in that service of danger; and it would be a hard thing for the Company if, for want of those indorsements, the bonds should be demanded by his executors. Why he took bonds for the Company's money, why he concealed that it was the Company's money, I shall leave to your Lordships to determine. But, in 1785, he gives a sentimental reason why he had indorsed those bonds in 1781. In his letter from Cheltenham to the court of Directors, he states precisely the same thing,—that, in 1781, he had indorsed those bonds over to the Company, and gives precisely the same reason for it which he gave to the House of Commons. All these about the indorsement,—Mr. Hastings' letter in 1782,—Mr. Larkins' swearing,—Mr. Hastings' letter from Cheltenham,—Mr. Hastings' Defence in the House of Commons,—are not, one word of them, more true than the letter of the 29th of November. I shall produce the bonds themselves, by which I shall show to your Lordships that, so far from being indorsed by Mr. Hastings at the time he states and for the reason he assigns,—so far is it from being true that they were indorsed at the time Mr. Larkins swears,—they were not indorsed for several days afterwards. I will show the indorsement in Mr. Hastings' own hand, contradicting every one of the accounts Mr. Hastings has given of it. Then shall I be told that Mr. Hastings intended these bribes for the Company?—that he took them as security for

Statement respecting it untrue.

an article of revenue,—that he took bonds for them, and told stories about them? Will he tell me that, in the singleness of his heart, he has invented a system of fiction,—that, in his integrity, he has entangled himself in a maze of falsehood which no man can extricate him from,—and then, at last, is reduced to say this,—"Really, upon my word, I cannot tell you why I did it at all?" He says,— 16 Feb. 1790.

"You know very well, Sir, that they could not be received without being passed to some credit, and this could only be done [by entering it as a loan or as a deposit. The first was the least liable to reflection, and therefore I had obviously recourse to it. Why the second sum was intended as a deposit I am utterly ignorant. Possibly it was done without any special direction from me, possibly because it was the simplest mode of entry, and therefore preferred, as the transaction itself did not require concealment, having been already avowed. Although I am firmly persuaded that these were my sentiments on the occasion,] yet I will not affirm they were." *

Dishonest motives for concealing the transaction.

Why it was necessary that this transaction should not be fairly stated,—why it was necessary that it should be passed to the credit of a loan,—why it was necessary that it should be stated as a deposit,—why it was necessary that all that fraud, falsehood and fiction, should attend the transaction, —I am at a loss to comprehend, otherwise than this, that Mr. Hastings meant to take it for himself. If he had not meant to take it for himself, what was so natural and easy as to send it to the common office, to be entered as a receipt of revenue, with the name of the person who paid it, and the cause why it was paid? But he says—"It was necessary it should be passed to some credit; I, therefore, chose it should be passed to my credit." Why to his credit, unless he intended to conceal those receipts from the public eye for ever? He tells you he intended they should be concealed from the public eye for ever. He says in one place—"I intended always that this money should be applied to the Company; I took bonds for it; and, yet, I intended it should be concealed from the public eye for ever." It must have been discovered to the public eye some time or other, for whenever he had given up these bonds to the Company then this ostentation must be great, and then he does not accomplish that which he said he intended to accomplish, namely, the concealment of it for ever.

His intention of concealing the receipt of the money.

* Extract from Mr. Hastings' letter to the Chairman of the court of Directors, dated Cheltenham, 11th July, 1785.—Printed in the "Minutes of the Evidence," p. 1152.

16 Feb. 1790. This is the conduct of no man in the world but a man who intends to conceal—who does intend to take the money for his own use. He never discovers, when called upon by his masters, whom he got it from; he keeps everything in secrecy and mystery. He never discovers it but in the moment of distress, and then he desires you to conclude that he intended all this money for the Company's use.

"As to the manner in which these sums have been expended [the reference which I have made of it in the accompanying account to the several accounts to which they are credited, renders any other specification of it unnecessary; besides that those accounts either have or will have received a much stronger authentication] than any that I could give to mine."

He means by that Mr. Larkins' *Affidavit*:—

"Why these sums were taken by me [why they were, except the second, quietly transferred to the Company's use, why bonds were taken for the first, and not for the rest, might, were this matter to be exposed to the view of the public, furnish a variety of conjectures to which it would be of little use to reply." *

His contradictions. If Mr. Hastings meant to guard against the imputation of having taken that money to his own use, he would have pursued a different conduct: but, if he intended to take it for his own use, he would have pursued precisely the conduct he has done. Will you believe a man when he comes and tells you,—"I have contradicted myself five times: Mr. Larkins has contradicted both himself and me three times: I have concealed everything, and yet I have told you I have disclosed everything: I have evaded everything that could throw light upon the business; and now, when you ask me for my reasons, I cannot tell my reasons: possibly, these might be my reasons—possibly, some others. I do not know what they were; but I desire that you will believe me, who have been guilty of all this system of fraud and artifice, that I did not intend that which it is plain and manifest I did intend; but that you will believe I did intend that which all my conduct gives a total and complete lie to?" He says,—

"Were your honourable court to question me upon these points, [I would answer, that the sums were taken for the Company's benefit, at times in which the Company very much needed them; that I either chose to conceal the first receipts from public curiosity, by receiving bonds for the amount, or possibly acted without any studied design which my memory could at this distance of time verify; and that I did not think it worth my care] to observe the same means with the rest."†

* Letter of Mr. Hastings to the court of Directors, dated 22d May, 1782.—Printed in the "Minutes of the Evidence," p. 1114.

† Extract from the letter of the 22nd May.—Printed as above.

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His profession of having acted without design.

Now, you are to suppose that Mr. Hastings, who tells you he has acted without any studied design, involves himself in a conduct the most intricate, the most artifical, the most fictitious, that any man in the world ever did; and that this is the way that Mr. Hastings acts, as he tells you, when he acts without any design—that when he acts without any design his conduct is double, that when he acts without any design his conduct is intricate, that when he acts without any design his conduct is dark; but when he acts with design,—and I wish he would tell us when he does not act with design,—all is clear and explicit. He tells you, possibly these were his motives—whether they were or not he does not know—and that they may have escaped his memory. That letter of the 29th of November, as I stated when I set out, was so far from a letter of discovery that it was a letter of concealment.

Case of the 100,000*l.* received from the Nawab of Oude.

His intention of keeping it to his own use.

Now I come to another sum of money,—I mean that sum that was received from the Nawab of Oude. That was a sum of 100,000*l.*,—and in a very few words, I trust, I shall satisfy your Lordships that Mr. Hastings did intend, as long as he could, to keep that money to his own use. Unquestionably, he made a discovery of that sum, but, unquestionably, he had a good reason for that discovery, as he tells you himself. In his letter from Cheltenham he tells the court of Directors, that, when fortune threw in his way a sum of a magnitude too great to be concealed, he thought it was best to discover it. So long as the sums were of so small an amount that they could be concealed, he thought it a convenient way to take bonds for them and keep them himself; but it was necessary that he should go another way to work when they were of a magnitude too great to be concealed. Accordingly, in January 1782, he writes this letter to the court of Directors:—

"Hon. Sirs,—While the Vizier was at Chunar, an offer of a considerable sum of money was made me on the part of the Nabob and his ministers [as a present. I accepted it without hesitation and gladly, being entirely destitute both of means and credit, whether for your service, or the relief of my own necessities. This donation was not made in specie, but in bills, which have been in part only and tardily realized, being drawn on the house of Gopaul Doss, who was at the time a prisoner in the hands of Cheet Sing. The remainder is in the course of payment, and I make no doubt of its being paid. What I have received has been laid out in the public service. The rest shall be applied to the same account. The nominal sum is ten lacks of rupees of the currency

16 Feb. 1790. of Oude. As soon as the whole is completed I will transmit to you a faithful account of it."]*

And then he goes on and begs the Company to give him that sum to himself.

His admission that the sum was too great to be concealed.

Your Lordships are to take along with you that it was a sum of a magnitude too great to be concealed;—Mr. Hastings has said so himself;—and the best way of getting a sum to one's self, which is of a magnitude too great to be concealed, is to ask it under an appearance of poverty, and to state the sum to be precarious in its receipt. Accordingly, your Lordships will see that this account tells the Directors, loosely, that it was in bills drawn upon the house of Gopal Doss, who was a prisoner in the hands of Cheyt Sing; that it was in part and only tardily realised. The idea which he means to convey to his masters, and the idea that he conveys to the mind of your Lordships when you read it, is this,—that it was a sum for which he had a security in his hand, but a security of a precarious nature; and, we all know, mankind more easily part with that which is precarious in its realisation than that which is actually cash in their hands.

His statement that the money was held in bills on Gopal Doss.

The bills already cashed when he wrote.

Now, what is the fact as to this? At the time when he wrote this letter of the 20th of January from Patna, Mr. Hastings had received 90,000*l.* of that money and had it in his pocket; at the time when he states that it was in part only and tardily realised—at the time when he holds out to them that it was a chance whether it was recoverable—he had 96,000*l.* out of the 100,000*l.* in his pocket. Would it not have been more fair, simple, plain, to have said,—"It is true I have received these bills. I thought they might be badish bills at first, but they have turned out extremely good. We cannot lose much—we have 96,000*l.* out of the 100,000*l.*?" That would have been the fair way of stating it; but then the Company might not have been so ready to listen to his plea of poverty, and to give it him.

Original delay in reporting the receipt of the present.

Having stated that, let me put your Lordships in mind, also, of the date of this letter. The sum of money, your Lordships know, was received in the month of September, when the Wazir was at Chunar; from the month of Sep-

* Letter to the Court of Directors, dated 20th January 1782.—Printed as above, p. 1112.

tember to the 20th of January, he keeps it a dead secret from all his colleagues. This letter did not leave Bengal till the 1st of March. It is five months before he first condescends to tell his masters anything of the transaction; for, though the letter bears date upon the 20th of January, yet, as it did not leave Calcutta till the 1st of March, the first account the Directors have of it is an account that may fairly be stated to be dated upon the 1st of March. But that is not all; your Lordships are to look at the singular date of these letters, and make it coincide with some formidable circumstances that occurred at the same time. When was the Kella taken? Upon the 14th of January. When were the bags of treasures in the possession of Mr. Middleton and the Nawab? Upon the 14th of January. Had Mr. Hastings communicated to the court of Directors, that, at a time when the Wazir was thirty lacs of rupees in debt to them, he had made an offer to him of 100,000*l.*? Mr. Hastings knew they would have spurned at it; that they would have told him,—"How can you have the audacity to take 100,000*l.* from a man who you know is 200,000*l.* or 300,000*l.* in debt to us? Carry it to the account of our debt." He waits and conceals the transaction till, by his fraud and violence, the Nawab's debt was paid with the plunder of the Begums: then he thinks it possible, that, in the moment of finding their own debt paid, they may consent that he should have a share in their plunder. Therefore, seven days after taking the Kella, Mr. Hastings communicates, for the first time, a transaction which happened five months before. I think then I state fairly, when I state that Mr. Hastings' concealment of that sum and of the mode of receipt afford a fair inference that he intended to take that money for his own use. 16 FEB. 1790.

But that is not all the observation that arises upon that letter. I shall desire your Lordships to refer yourselves to the Benares Narrative. You will there see an ostentatious parade of every little aid Mr. Hastings received while at Chunar. Your Lordships will see terms of the highest panegyric [lavished] upon a man who lent him a lac of rupees: he pours forth as much praise as he possibly could upon so bountiful and beneficent a citizen. Upon another who lent him 40,000 rupees, he is equally lavish of his panegyric; he feels it as a strong impression of gratitude: and, in the whole course of that Benares Narrative, he reverts to the praise of these men who had furnished him with those

Parade of gratitude for aid received at Chunar, in the Benares Narrative.

16 FEB. 1790. little aids, while at Chunar and Benares. I am to state that at the time he wrote that Benares Narrative, he had actually received three lacs of rupees—had received it in cash; and, yet, not one word of the Wazir's name occurs in it. Will you believe that, if he had intended to do the same thing with one sum of money as with the other, he would not have been equally lavish in his praise of the Wazir as he was of the others? It is an inference I defy the human mind to repel, that he did intend to employ this money to his own use, since he so industriously concealed it from everybody; and when he wrote this letter of the 20th of January, he never disclosed one word to his colleagues about the transaction.

No mention of the three lacs received from the Wazir.

Having stated this to your Lordships, the only other letter which I have to state is that letter which gives an account of the transaction with Nobkissin. With respect to that transaction he, fairly, in a careless way, tells them,—"I have received a sum of money. You owe me a sum of money on some account or other"—and he gives them a long bead roll of *items*. "You will have no objection to pay it, provided I can get it from somebody and take it to myself." That is all the account he gives of the transaction. From that time to this, no more account of any sort or kind is to be got of this transaction with respect to Mr. Hastings, till the year 1786, when there appears a letter from Mr. Larkins, which is certainly a most singular production. Mr. Larkins in that letter has to account,—first, why a letter of the 22d of May did not leave Calcutta till the 16th of December; and next, he is to explain Mr. Hastings' account of the 22d of May. For your Lordships will observe that, in the account of the 22d of May, there appears to be a gross sum of 19 lacs, 64,000 rupees, received by Mr. Hastings. The *items* of the account contain nothing more than the times in which, he says, he paid them over to the Company: it says nothing of the times of receipt or of the persons by whom paid;—all that he refers for explanation to Mr. Larkins.

Letter relating to the transaction with Nobkissin.

Represents the sum received as a set-off against various items owed by the Company.

Mr. Larkins' letter in explanation.

I shall produce Mr. Larkins' letter, and shall only observe upon that letter that he has not given a complete account; but, as he states himself, he has only given part of the account. He has not stated the whole account of sums received for Mr. Hastings, but only an account of those sums which Mr. Hastings states in his letter of the 22d of May; whether there were more or fewer he does not tell, but

It furnishes only a partial account.

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confines himself specifically to that letter. Next, Mr. Larkins was not in possession of that account. Mr. Larkins tells you that one account was kept by Cantoo Baboo, the other account was kept by Mr. Hastings' private munshi or Persian interpreter. Then Mr. Larkins only gives you such parts of the account as Cantoo Baboo chose to read to him, and no more. There might be fifty pages of it. All we can say is, that it is a piece of the account which Mr. Larkins endeavours to explain and connect with the account given by Mr. Hastings in 1782. But the first thing he does is to disclaim *affidavit* making,—he having been a little severely handled with respect to the *affidavit* I have stated,—and he declares he will never again, voluntarily, do such an act. However, I shall have occasion, in the course of this business, to produce another voluntary *affidavit*, and of Mr. Larkins, contradicting his voluntary *affidavit* of 1782. But he is to explain why this letter of the 22nd of May never left Calcutta till long after the Parliamentary inquiry against Mr. Hastings was known. It seems an odd time of its coming, but it is necessary it should be accounted for in some way. He accounts for it this way:—

His explanation of the delay in despatching Mr. Hastings' letter of the 22d of May.

["The particulars of the paper No. 1. were read over to me from a Bengal paper by his banyan, Cantoo Baboo; and, if I am not mistaken, the three first lines of that No. 2. were read over to me from a Persian paper by his moonshy. The translation of these particulars made by me was, as I verily believe, the first complete memorandum that he ever possessed of them in the English language."] *

Then he goes on to say that he would not carry this to the secretary, because he had known letters lost that were given to the secretary,—"Upon the 21st August I fell ill: I sent it to Mr. Auriol; he would not take charge of it. I was unable to write: I sent the letter by my servant to Mr. Geo. Nevill Thompson, Mr. Hastings' private secretary." Now Mr. Auriol might have an objection, and say he would not send a letter in the packet which bore the appearance of a private letter of Mr. Larkins; but, when Mr. Larkins knew that the person who made it up would refuse it on that account, why did he not say to Mr. Auriol—"It is not a letter of mine but of Mr. Hastings; do you put it in the packet?" All we know of this letter is this, that it lies in the hands of George Nesbitt Thompson. Why it is kept in his hands—how it goes out of his hands—what message

* Letter from Mr. Larkins to the Chairman of the court of Directors, dated 5th August, 1786. Printed in the "Minutes of the Evidence," p. 1153.

16 FEB. 1790. was sent with it—we do not know. Mr. Larkins, in endeavouring to explain why this account never came till the 16th of December, never tells us one word more than that the letter got into the hands of Mr. George Nesbitt Thompson, and there it lay.

Further explanations of the delay.

Then he proceeds to tell us, which is true, that there was a ship which put back between the 22nd of May and the sending the letters by the packet. He might have sent it by that, but he says,—

"You will find that there was no letter from the Board, or from either of the secretaries, of a later date than the 9th of May, and therefore the packet was made up that day."

It would have been indecent in Mr. Larkins, I suppose, to have sent a letter after the packet was made up, notwithstanding the vessel remained there till the 13th day of June. He never thought of sending it, though it was so necessary for the credit of Mr. Hastings. But it is not true, in point of fact, that there was no letter of a later date than the 9th of May, for there was one of the 13th of May; and it is an incontestible fact that that vessel was there till the 13th of June. He goes on to give a good reason for this, that she was badly manned and not likely to make a short passage. And, therefore, this ship, which was sufficient to carry the Company's cargo,—which was a ship sufficient to carry all the acts relative to the department of the state,—is not sufficient to carry this important letter of the discovery of Mr. Hastings' bribe; and, therefore, it is kept concealed from the court of Directors till the 16th of January 1782. And, therefore, I have a right to take it,—till Mr. Larkins satisfies me more upon the subject,—that that letter was not intended to be sent till it actually was sent.

Mr. Larkins' account of the sums received.

But, be that as it may, he goes on and states to your Lordships an account which has these titles,—Dinagepore—Patna—Nuddea. He endeavours to apply all these sums, so taken, to the sums, more or less, in Mr. Hastings' account. I shall not trouble your Lordships with going minutely into those accounts till they come before you; but, when those accounts are produced to your Lordships, I shall take the liberty of showing you, from the face of the accounts themselves, that I have considerable reason to believe that there is not one sum in one account that has the least connection with or relation to a sum in the other account. Be that as it may, this account opens another field to your Lordships; for we find upon this account that, so far from it being true

that the Company was in difficulty when some of the sums were taken, they were taken when the Company was in prosperity; and, as to some of those sums that were taken when the Company was in distress, you will find that they lay for near two years in the hands of Gunga Govind Sing. At the time when the Company was in great distress, when the Company was in want of everything, the money was lying in the hands of Gunga Govind Sing, and was only paid over when he chose to pay it over.

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The Company not in difficulty when the sums were taken.

But that is not all, for there is a sum of money lying, for what I know not, in the hands of Gunga Govind Sing, or of Mr. Hastings, which is the same thing; for Gunga Govind Sing and Mr. Hastings, with respect to these transactions, are one. Gunga Govind Sing was his agent: what is received by his agent is received by himself: and there is a sum of 12,000*l.*, by the confession of this agent, which is still in the hands of Gunga Govind Sing; and a sum of three lacs of rupees, between 40,000*l.* and 50,000*l.*, not at all accounted for in any one respect, stated in this account to be received by Mr. Hastings and Gunga Govind Sing. It may be in the hands of Gunga Govind Sing, it may be in the pocket of Mr. Hastings; whether in the hand of the one or in the pocket of the other, is of no consequence to me: I charge it upon Mr. Hastings as a receipt the moment it is paid to Gunga Govind Sing.

Other sums, not at all accounted for, remaining in Gunga Govind Sing's hands.

And this account shows, also, the uses and purposes for which this committee of revenue was appointed; why Gunga Govind Sing was set over them, and they made tools in Mr. Hastings' hands to plunder those provinces. Dinagepore ruined; Patna ruined; Nuddea, as I have stated, ruined. Rajeshaye was ruined, which is also another province contained in this account. Every one of them provinces from which Mr. Hastings received money.

Ruin of the provinces from which Mr. Hastings received money.

There is another thing which I have to state to your Lordships upon this account:—and that is pretty nearly all that I have to say to you. Mr. Larkins is extremely struck that it should appear upon this account that a sum of 12,000*l.* was actually in the hands of Gunga Govind Sing, and a sum of three lacs of rupees not accounted for at all—securities taken for it, but the money not accounted for—and Mr. Larkins tells you that,—

Attempted explanation by Mr. Larkins of sums remaining unaccounted for in Gunga Govind Sing's hands.

"Although Mr. Hastings was extremely dissatisfied with the excuses Gunga Govind Sing made for not paying [Mr. Croftes the sum stated by the Paper No. 1. to be in his charge, he never could obtain from him any] further payments on that account."

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Pretence of Mr. Hastings' anger at the retention of the money.

Will your Lordships believe that Gunga Govind Sing could have 40,000*l.* of the Company's money in his hands; that Mr. Hastings should be willing to take that 40,000*l.* from him; that he should be extremely angry for his not paying it; and that, in spite of all he could do, he never could make him pay it? The thing is incredible of itself: it cannot be, it is not, true: and I state why it is not true, because Mr. Hastings, so far from being dissatisfied with Gunga Govind Sing, poured out all the treasures of the Company upon him before he left Bengal. The last act of his administration was a most lavish panegyric on that man: the last act of his administration was a most wanton profusion of treasure to reward that man. Will you believe that, at that time, that man owed the Company 50,000*l.*, which Mr. Hastings corruptly concealed? Why did not Mr. Hastings deliver over Gunga Govind Sing as a public defaulter to Sir John Macpherson? Mr. Hastings left the government and Sir John Macpherson in perfect ignorance of the debt. Did he leave Gunga Govind Sing in disgrace as a defaulter? He left him with a public panegyric for his abilities; he left him with a public reward for his fidelity: and at that very time that man, so far from deserving well of the Company, was actually keeping 50,000*l.* from them, and, for ought I know, is keeping it from them at this very moment. Mr. Hastings says:—"I cannot leave the country without rewarding my servants. Gunga Govind Sing has stuck by me in all my perils: he has been faithful when my countrymen were faithless. They looked to the English Government; they looked to those in whom the Parliament of this country have put power and authority. He never cast his eyes off the person of the Governor: he looked to me, and me alone, through all my difficulties. I owe him a great reward: justice, gratitude, and even policy demand it." These are his words. Policy, indeed, did demand it, but it was the policy of concealment; he was in the power of Gunga Govind Sing, and he rewarded him in order to conceal it. Why did he not, else, deliver over Gunga Govind Sing as a public defaulter? He kept Sir John Macpherson and the succeeding Council in ignorance. This is the man whom he thinks it is wise, prudent and political, to reward: this is the man whom Mr. Larkins would have you conceive that Mr. Hastings was angry with. The only spark of Mr. Hastings' anger, that I can find, is a public panegyric and a public reward!

His panegyric on Gunga Govind Sing, when leaving India.

He was in the power of Gunga Govind Sing.

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Recapitulation.

I shall now conclude what I have to say with merely reminding your Lordships that I have stated the original orders of the Company with respect to the letting of the lands; that I have stated the orders of the Company and the opinions of Mr. Hastings with respect to all the various duties in that department; that I have shown to your Lordships all those duties transgressed, all those orders disobeyed, a new government established, inefficient to all good purposes and efficient to all bad ones; and I have stated to your Lordships a country ruined and oppressed under his mismanagement; and further, that in that country, so ruined and so oppressed under his mismanagement, in every part where you find oppression, knavery and fraud, you find that Mr. Hastings took a sum of money. Connect all these together, either as aggravations of the original offence or as specific charges of themselves, and I defy Mr. Hastings to be acquitted of them.

Representation of the state of Bengal by Lord Cornwallis.

Your Lordships have been told that the country of Bengal is flourishing. It may be under the good government of one of your Lordships; but much did Mr. Hastings leave for one of your Lordships to execute: a severe task he imposed upon him, after all the oppressions, after all the ravages, after all the ruin, occasioned by those corrupt acts. He was sent to govern a discontented people, a ruined country, an oppressed nation: I believe most cordially that he has governed it honestly and that he is governing it well: I have every reason to believe that he is acting in every respect the contrary to what Mr. Hastings did; but I know he has described himself to be in an arduous and difficult situation indeed; for, in one of his letters to the court of Directors and the Company, he tells them,—

"I shall unquestionably do my utmost endeavour to execute your wise and beneficent intentions. But I have a difficult task, for in what situation do I find the country! No doubt it will be happy for the country of Bengal--if"—what?—"if the principal landholders and traders of that country should be again restored to a situation in which they may be able to live with decency, and to maintain their families with respect."*

* The letter of Lord Cornwallis here quoted from is dated on the 2nd of August, 1789, and was printed for the House of Commons in the month of March, 1790. The following are the passages referred to:—

"The humane and liberal sentiments which dictated the instructions upon which the present plan is founded, will prompt you to receive the highest gratification, if my hopes of its producing wealth and happiness to the intelligent and industrious part of the individuals of this country shall be realised.

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The impoverishment of the country attributable to Mr. Hastings.

Who imposed that severe task upon that noble Lord? Who left him to restore the principal landholders of the country to a state of decency? Mr. Hastings did all these acts. Mr. Hastings pulled down that fabric, and left it to the ability, honour and integrity, of that noble Lord to rebuild. But it is a lamentable thing, that a country which has been under our government so long should be reduced to such a state, that the utmost that one of the ablest and most intelligent of your Lordships could hope to do is to restore the principal landholders and traders of that country to a "situation in which they may be able to live with decency and to maintain their families with respect." What does he state further;—"I find an opulent country?"—No!—"a flourishing country?" —No!—"I find a country ruined and oppressed; I find every principal zamindar,"—I use his own words,—"I find every body, except the sarrafs and banyas, advancing hastily to a state of poverty and wretchedness." Why are the banyas and the sarrafs the only persons who are not "advancing hastily to a state of poverty and wretchedness?" All the protected people of Mr. Hastings are banyas, usurers and tax-gatherers; they are the only rich men in that country; to such a situation has Mr. Hastings reduced it!

State of Benares.

With respect to Benares he states, what, in another part, will come more properly and fully before your Lordships,—that, from the event of the expulsion of Cheyt Sing, it has been in an uniform state of decline in manufacture, agriculture and commerce.

Corruption the cause of oppression.

These are all the acts of Mr. Hastings; and I charge home upon him the principle which produced all those innovations and all that destruction. It originated in corruption: for corruption the provinces were sold; by corruption the provinces were oppressed. Yet, we have heard,

Justification of Mr. Hastings by pre-

And, independent of all other considerations, I can assure you it will be of the utmost importance for promoting the solid interests of the Company, that the principal landholders and traders in the interior parts of the country should be restored to such circumstances as to enable them to support their families with decency, and to maintain their families with respect."

"I am sorry to be obliged to say that agriculture and internal commerce has for many years been gradually declining, and that at present, excepting the class of shroffs and banians, who reside almost entirely in great towns, the inhabitants of these provinces are advancing hastily to a general state of poverty and wretchedness. In this description I must even include almost every zemindar in the Company's territories, which, though it may have been partly occasioned by their own indolence and extravagance, I am afraid must also be in a great measure attributed to the defects of our former system of management."

in other places, that, if your revenues were secure, if your country was safe and prosperous, if Bengal was happy and easy, it is madness and folly to try Mr. Hastings by the standard of humanity and justice: we have been told that he may, and that he must, violate all the laws of God and nature, or that he must run counter to all the principles of Asiatic government. I join issue with that sort of defence that has been made for him. I defy his Counsel to prove that there was either safety, happiness or prosperity. I state that the foundation upon which that defence stands falls to the ground. The country was not safe, happy, prosperous, under his government. Corruption caused unhappiness; corruption caused inhumanity; corruption caused injustice; corruption caused the violations of the laws of God and of nature: and I am yet to learn in what part of the world it is to be found—in what species of philosophy we are to discover—that inhumanity, injustice, violations of the laws of God and nature, can tend to the happiness and prosperity of the people. God has not so constructed the universe. It cannot be. Point out a spot upon the globe where injustice and inhumanity prevail in the government,—where violations of the laws of God and nature prevail,—and I will point you out a miserable, unhappy, dejected, discordant and destroyed, people. I will point you out the people of Dinagepore; I will point you out the people of Rajeshaye; I will point you out the people of Behar; I will point you out every one province from which Mr. Hastings took money. The violations of the laws of God and nature, in a government, must inevitably be attended with the unhappiness of the people.

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tended success of his government.

But will the defenders of Mr. Hastings, who, I know, have ingenuity and talents to discover any defence—who have industry to make the most of it and eloquence to adorn it—will they join issue upon that defence, and admit that he has violated the laws of God and nature, and yet contend that the country has been safe, happy and prosperous, and has been advantageously governed? I should say it must have been from some circumstances independent of the violation of the laws of God and nature that they were happy. In so far as the laws of God and nature were violated, was so much taken out of the scale of their happiness and prosperity.

Plea of necessity for unscrupu-

I may be told that they cannot be governed otherwise. God forbid that that should be said to your Lordships! I

16 FEB. 1790. lous government in India.

know that the learned Counsel will not tell your Lordships that it must be governed so; they will not tell you that it must be governed with inhumanity and injustice. I know they will not. If it cannot be governed without inhumanity and injustice, in God's name, abandon the country; for it is better that you should abandon it than that you should state, as a defence to any inhuman act, that the country cannot be governed without inhumanity and injustice. If you were to acquit him upon the necessity of violating the laws of God and nature, you would establish a principle ten thousand times more important than the lives of ten thousand Mr. Hastings's; for you would establish this, that every future Governor of India may rob and plunder as he pleases,—may commit every act of injustice, of inhumanity, and violate every law of God and nature,—and yet be acquitted when he comes home, and even receive applause for his conduct. I know you never can sanction such principles if they should be urged before you. With this observation I leave it.

SPEECH OF THE RT. HON. CHARLES JAMES FOX, MANAGER FOR THE HOUSE OF COMMONS, IN SUMMING UP THE EVIDENCE ON THE SIXTH, SEVENTH AND FOURTEENTH, ARTICLES OF THE CHARGE, RELATING TO PRESENTS; 7 JUNE, 1790.

MY LORDS,—The Managers for the Commons have been pleased to lay upon me the difficult and arduous task of summing up to your Lordships, and of observing upon, that great variety of evidence which we have submitted to your Lordships, during the course of the last and present sessions of Parliament. 7 JUNE 1790.

My Lords, I hope it will not be imputed to any desire of personal attention or of personal distinction, if I do solicit your Lordships, most eagerly and most earnestly, to give me all the attention which the subject requires, considering rather the importance of the information which I shall submit to your Lordships for your judgment, than the defective manner in which it is likely to be stated to your Lordships. Claim on attention of the Court.

I know, my Lords, that in past times there have been orators who had, justly perhaps, a confidence in their talents and abilities, which allowed expressions and modes of thinking which, undoubtedly, I should be as absurd as vain if I could possibly entertain. I know that no less a person than Cicero, speaking to judges, has said—all he desired from them was integrity and honour, for as to listening to him [he would be responsible for securing their attention.] * I am precisely in the contrary situation, which is, to request of your Lordships, what I shall be unable to enforce without

* The quotation is apparently from the Oration against Verres, but no passage has been met with exactly agreeing with the sentiment expressed by it. Perhaps the following sentences, occurring at the commencement of the First Oration, may have been in the Manager's mind when he was speaking:—"Ego causam sic agam, Judices, ejusmodi res ita notas, ita testatas, ita magnas, ita manifestas, proferam, ut nemo a vobis conetur contendere. . . . Ita res a me agetur ut, in eorum consiliis omnibus, non modo aures hominum sed etiam oculi populi Romani interesse videantur. . . . . Propter hoc, Judices, peto, ut in hoc judicio nemo improbus, præter eum qui jampridem inventus est, reperiatur."

7 June 1790. the indulgence and assistance of your Lordships, an attention to what I shall lay before you. If your Lordships give me that indulgence, and that boon of listening with the attention which the subject deserves, but which I have no means of enforcing, I have no doubt afterwards of your Lordships' judgment, knowing your Lordships' integrity, and certain that the facts which I state must lead to the conclusions which I must desire you to draw from them.

Unattractiveness of the subject. My Lords, in the point of that object of drawing attention, I, undoubtedly, come also under disadvantages peculiar to this cause; not only that I follow those who have been more able to illustrate the subjects which they have treated, and have been more able to draw your attention to them, but, also, in the nature of the subjects themselves. For, as it often happens that the most beautiful and striking effects in nature are produced by causes very different from the effects themselves, so it has happened, in this great business, that those striking objects which have been already displayed to your Lordships—in some of which I have had my unworthy share—were objects such as naturally commanded the attention of this House and the public;—were objects such as drew to them, from their magnitude and importance, from the great matters which they involved, from the destruction of provinces and the extent of dominion, the attention, not only of this country, but of all Europe and all the enlightened part of the world. But what I am to sum up to your Lordships is of a different nature. I am to show that which, possibly, might be the secret spring of [those] events,—[circumstances] which, of themselves, are neither great nor of a nature which would with any degree of satisfaction attract the attention of any liberal minds. I am to prove that those great and extraordinary events were coupled with, and probably had their source in, corruption, in meanness, in peculation, in rapacity, and in those sorts of crimes which, however odious and contemptible they may be in the minds of liberal men, are not used, in this country at least, and not used in many parts of the world, to produce events of such magnitude as those which have heretofore been laid before your Lordships.

The evidence refers to the 6th, 7th, and 14th Articles. My Lords, I have to explain to your Lordships, as far as I am able, the evidence laid before you in two sessions of Parliament, and that evidence not laid before you upon the subject of any one Article, but upon the subject of nearly the whole of the sixth Article, of a considerable part

of the seventh, and of the whole of the fourteenth, Articles of these Charges. I shall be particularly careful, in what I state to your Lordships, not to let one word fall from me, if I can avoid it, which does not distinctly apply to the evidence actually before your Lordships; nor even will I touch upon that evidence in any part in which it can possibly be supposed not to relate to and to bear upon the matter charged in those Articles. 7 JUNE 1790.

Apology for method of presenting the evidence.

My Lords, it would be happy for your Lordships as well as for myself, if it were possible in this cause to have pursued such arrangement and method as would have exactly coincided with the manner in which either the Articles are drawn, or in which the evidence has been submitted to your Lordships. That it is not in our power to do so is not, however, I believe, when properly considered, the fault either of the Articles which have come from the House of the Commons, or of the gentlemen who have been directed to manage the impeachment. It certainly would ill become me, and I have not the least intention on this day, to refer to any of those various disputes concerning evidence which has been offered and rejected, which have occupied your Lordships' attention much, during the last and the present sessions of Parliament. I only refer to them in this view, as a sort of excuse and apology that we cannot pursue exactly the same method and arrangement which we originally intended, when we did suppose that certain heads of evidence would have been admitted, which your Lordships, in your better judgment, have declared to be inadmissible. The best plan, therefore, which suggests itself to me for stating this complicated business to your Lordships, in as clear a light as it will be in my power to show it you, is to begin, first, with that which was the subject matter; so far following—which I will do whenever I am enabled to do it, without breaking in upon the clearness of the explanation to your Lordships,—the order in which the evidence has been stated to your Lordships, and beginning with what was stated to your Lordships during the last session of Parliament, particularly relating to those presents which were accepted before the Act of the thirteenth of the King, specifically and directly forbidding presents, and also to another part of the sixth Article, which relates, not immediately to presents, but to the appointment of Munny Begum, whose appointment is there not only alleged to be in consequence of a bribe, but also alleged to be improper and a misdemeanour in itself.

Evidence respecting presents taken before the Act prohibiting them.

Appointment of Munny Begum.

7 June 1790.

Corruption among the Company's servants in Bengal.

The first evidence which we laid before your Lordships it will not be necessary for me to cite; I will only refer your Lordships to it. We read several letters of Lord Clive and of the Council of which he was President, stating the general corruptions which had prevailed among the Company's servants at Bengal. It will be only material to point out to your Lordships that that particular case of corruption which induced the then Council to write the letter which, I believe, was the very first paper which we gave in evidence to your Lordships,—that the principal scene of that corruption was stated to be the appointment of Asoff-ud-Dowla to the government of Bengal, whom the letter states to be the natural son of Mir Jaffier, and who was the son of Munny Begum, whose name is so often mentioned in this charge. I only wish your Lordships to attend to this for the sake of observing that the very point—that the very scene —which induced the Council to write that letter, giving such a melancholy and such a disgraceful description of the situation and character of the Company's servants in Bengal —that that particular scene was relative to and connected with the appointment of Asoff-ud-Dowla, the son of Munny Begum and natural son of Mir Jaffier, to the government of Bengal.

Appointment of Asoff-ud-Dowla.

Covenants and oaths against taking presents.

In consequence of these corruptions in general, and of the particular extravagance to which that corruption had run in the case to which I have alluded, it was proposed that certain covenants should be entered into, and that certain oaths should be taken. And it certainly appears that Lord Clive himself did take an oath, in his office of President, by which he does distinctly debar himself of the power of accepting any gift, gratuity, present or emolument, of any kind whatever, beyond what is given him, as a salary and as a perquisite, by the orders of the India Company. It appears that Lord Clive took this oath; which oath we have brought in evidence before your Lordships, and, I believe, is in the second or third page of the Minutes of last year. It cannot be disputed that Lord Clive took this oath; it appears that Mr. Verelst took an oath; it appears that Mr. Cartier also took an oath; and it has not been shown that there was any other oath of office excepting that which Lord Clive proposed and took. We, therefore, conceive it to be fairly to be presumed, that both Mr. Verelst and Mr. Cartier took the oath of office in the manner in which Lord Clive had taken it, namely, as an oath completely disqualifying himself from

Oath taken by Lord Clive and his immediate successors.

taking any species of presents, under any denomination whatever. 7 JUNE 1790.

With regard to the present defendant, Mr. Hastings, it does not appear, undoubtedly, that he took any oath at all. There were some questions from his Counsel upon that subject, which seemed to lead to establish this proposition—that Mr. Hastings, though he did not take this disqualifying oath which Lord Clive had taken, had, probably, taken some other oath of office; and, also, to lead to an idea that the oath taken by Mr. Verelst and Mr. Cartier was not the specific oath taken by Lord Clive. I wish only that you would consider how this stands in evidence. It stands in evidence that Lord Clive took an oath against taking any presents or emoluments whatever; that Mr. Verelst took an oath; that Mr. Cartier took an oath; but it does not appear that Mr. Hastings took that or any other oath of office whatever. But, it appearing clearly, upon the face of the evidence, that Lord Clive took the specific oath I state, and it not appearing that any other oath was offered to Mr. Verelst and Mr. Cartier, and it not appearing that Mr. Hastings took any oath whatever,—there being no mention about it in the records of the Company,—I beg leave to establish, in the first place, the presumption, which seems a natural one, that he did not take that oath established by Lord Clive and his successors. But I shall not argue that with any degree of earnestness with your Lordships, because it is a point I am willing to let be taken as it suits his cause best.

Probability of Mr. Hastings having taken a disqualifying oath.

If it be true, as I take the presumption to be, that, having the example before him of Lord Clive, Mr. Verelst and Mr. Cartier, taking such an oath, and, succeeding them, he avoided to take an oath which made it impossible for him, without breach of it, to accept any present whatever, I shall certainly say that avoiding following the example of his predecessors, in an instance of so peculiar a nature and of so delicate a nature with respect to the honour of the person taking it, must give some ground to believe that Mr. Hastings did not enter upon that office with the pure motives with which he ought to have entered upon it, and with the pure motives professed by his three predecessors, Lord Clive, Mr. Verelst and Mr. Cartier. If, on the other hand, he did take the oath, of which there is no proof whatever, it will be equally serviceable to the cause I maintain. For no man will deny that, if he took an oath to take no

Presumption of dishonest motive for not taking the oath.

Assumption that he did not take the oath.

JUNE 1790. presents, the breach of that oath was of a very high and criminal nature. Therefore, I shall not spend your Lordships' time in arguing which of the two appears most likely, upon the evidence—whether he took the oath or not. I leave to the choice of the defendant to establish the fact of taking it or to deny it. If he did not take it, I argue upon it as a presumption that is to be added to the weight of the other presumptions and proofs which I shall produce to your Lordships. If, on the contrary, he did take it, I state that, to bring a criminality upon the presents he received afterwards, exclusive of the Act of the thirteenth of the King, and to render unnecessary any arguments that might be thought fit to be produced, to show the criminality of such presents.

Covenants entered into by Mr. Hastings.

Engagement not to accept presents.

Letter of the Directors prohibiting presents.

My Lords, whether he took the oath or not, it is, however, clear that he entered into the covenant into which the other servants of the Company were obliged to enter. Part of that covenant, and the principal part and object of that covenant, undoubtedly is, that he will not, either by himself or by any other for him, accept of any presents whatever, or engage in trade—which is not the business of this prosecution. There is, also, a letter from the Directors of the India Company, which has been laid in evidence before your Lordships, to the following effect:—

"The large proportion allotted to the Governor, in the before-mentioned commission of two and one half per cent., is in consideration of his relinquishing and not being concerned in any trade whatever, even in articles of import and export, and all presents or other gratifications, as expressed in the deed of renunciation in your proceedings of the 22d September, 1767, which we approve and confirm, and direct that all Governors do execute the like instrument on their entering into their office. Our inducement for annexing so great an appointment to the station of President and Governor is, in full expectation of his giving up his whole time and attention to the faithful discharge of his duty; and that, being excluded from all trade himself, he may be and we, accordingly, depend that he be, vigilant in watching and detecting all abuses committed by others."

So that, whatever may be the meaning of the covenant itself,—whether Mr. Hastings took the oath or not,—he did know from the orders of the Directors, which orders he was bound to obey, what their construction of the covenant was, and what their opinion was of the salary which they had given their Governor, namely, that it was adequate to all the purposes of such a government, and that, in consideration of it, it was his duty, not only to relinquish all

trade, but to refuse all presents and gratifications of every other kind whatever. 7 JUNE 1796.

Mr. Hastings bound not to accept presents.

My Lords, from the evidence, your Lordships will perceive that Mr. Hastings was bound to accept no present or gratuity whatever,—I am speaking of times anterior to the Act of 1773;—that he was bound to it, not only by the covenant, but that he was bound to it by his oath, if he took it, by the sense of the Directors, if he did not take the oath, expressed upon the meaning of their covenant,—that his salary was sufficient for him, and that he was to take no other gratification whatever.

Attempt to establish distinction between presents received before and after the Act.

It was necessary to state this preliminary matter, because it has been said that a distinction has been endeavoured to be set up between the presents received anterior to the Act of 1773 and those taken subsequently to it; and, in the course of what I shall have to state to your Lordships, possibly I shall state some things which your Lordships will consider, perhaps, as a reason to think that the defendant himself has in his view some such distinction. I say it now only by the way, but your Lordships will observe that, with respect to every present which was received after the Act of Parliament, the prisoner, whether truly or falsely, has always attempted at least to deny and to refute the supposition of having converted them to his own use; but, with respect to the presents anterior to the Act, I shall prove he has not pretended that he has converted them to the use of the Company, and has not, in point of fact, anywhere absolutely denied them.

Special duty of Mr. Hastings to prevent all corruption in the service.

My Lords, having proved by the documents which I have stated what was the general duty of Mr. Hastings, I am sure I need not draw your Lordships' attention to the letter of Lord Clive and his Council, and to those circumstances preceding the appointment of Mr. Hastings which we have brought in evidence, and which tend to show that an additional and peculiar duty was attached upon Mr. Hastings to prevent all corruption possible. He was appointed at a time when the Company entered into a particular reform of such abuses, and when they ordered new measures to be adopted for the purpose of preventing them in future; and when they do specifically declare that they have given those large salaries to the Governor, upon the faith that he will abstain from every other means of gain, and that he will do—what, perhaps, without such a letter, it would have been the duty of a Governor to do—set an example to all others, and be in

JUNE 1790. a situation so clear himself that he may watch the misdemeanours of others and bring them to condign punishment, if need be, or at any event prevent them:—and, in order to put a person in the situation to prevent and discountenance abuse in those below him, it is necessary that he should be in such a situation as to lead no one to suspect that he is a participator in those abuses. Therefore, if any Governor, more than another, was bound to abstain from every species of gratification, from every thing that can be construed into any thing like peculation, it was a President appointed at the moment when the Company, reviewing the former state of the conduct of their servants, when they found great peculation and abuses to have existed, were taking new and, as they thought,—how much so in fact I shall show you,—decisive and effectual means of preventing the like abuses for the future.

My Lords, the next evidence to which we shall call the attention of your Lordships, is the evidence which tends to prove two allegations of the sixth charge before your Lordships:—

Charge of bribe received from Raja Nundcomar.

"That the said Warren Hastings did, at different days and times, between the 1st day of October, in the year 1772, and the 30th day of September 1773, corruptly and illegally take, accept and receive, from one Rajah Nuncomar, a native Hindoo, high in office in the country government in India, or from some other person or persons, divers sums of money, amounting together to three lacks, 54,105 rupees, equal in value to 40,000*l.* sterling, or some other large sum of money, as a consideration or bribe for the disposal of and appointment to certain offices in the gift of him, the said Warren Hastings, being such President as aforesaid;

Appointment of Raja Goordass and Munny Begum.

particularly, for procuring Rajah Goordass, son of the said Nuncomar, the appointment of Niabut or head of the finances of Bengal, and causing Munny Begum, widow of Meer Jaffier heretofore Nabob of Bengal, to be the superior of the family"—meaning the family of Mobaric-ud-Dowla, Nawab of Bengal,—"75,004 rupees, being equal in value to 8,000*l.* sterling and upwards, or some other large sum of money; and the further sums of 24,998 rupees, 3,102 rupees, and 1,000 rupees, being, altogether equal to 3,000*l.* sterling and upwards, or some other large sum of money. Further, for constituting and appointing the said Munny Begum superior of the family of the said Mobarick ud Dowla, and taking away the superiority thereof from Baboo Begum, mother of the said Nabob, one lack of rupees, being equal in value to 10,000*l.* sterling and upwards, or some other large sum of money. Further, from the said Munny Begum, by a payment to one Nurr Sing, brother of Cantoo Baboo, banya or servant of the said Warren Hastings, at the desire of him the said Warren Hastings, one lack and 50,000 rupees, equal in value to 15,000*l.* sterling and upwards, or some other large sum of money.

"That the court of Directors aforesaid did, by a letter bearing date the 28th day of August, 1771, inform the said Warren Hastings that they were fully sensible of the expediency of supporting some ostensible

minister in the Company's interest at the Nabob's court"—meaning the court of Mobaric-ud-Dowla aforesaid—"to transact the political affairs of the Circar or government, and they trusted to the local knowledge of him, the said Warren Hastings, the selection of some person, well qualified for the affairs of government, to succeed Mahomet Reza Khan as minister of the government and guardian of the Nabob's minority. That the said Munny Begum had been originally in a low and degraded condition, without education, unacquainted with the affairs of government, and then lived secluded in a zenana and retired from the world, whereby the said Munny Begum was totally unqualified for discharging the duties of guardian to the said Nabob and for governing his dominions, so that the said Warren Hastings, by the appointment of the said Munny Begum as aforesaid, not only acted corruptly and illegally in receiving the aforesaid sums of money, but added to the criminality thereof by violating the express orders of the said court of Directors, to the great and manifest prejudice of the rights and interest of the said United Company and this nation."* 7 June 1790.

You will see that there are two distinct charges, of different natures, contained in the paragraphs which I have read to your Lordships. One is the present received from Nundcomar or others, and the other is the appointment of Munny Begum, in defiance of and in contradiction to the orders of his superiors.

My Lords, it is my intention, first, to submit to your Lordships those proofs which I think will satisfy your minds that he was guilty of these crimes.

Charge respecting presents, amounting to 30,000*l.*

My Lords, in the charge with respect to the presents are sums amounting to 35,000*l.* or upwards, that is to say, of three lacs and a half; but I shall first make my observations upon one lac and a half, particularly.

Present of one and a half lac.

My Lords, I am sure it is not necessary for me to state to your Lordships that there are a variety of ways by which facts may be proved.

Variety of proofs of facts.

Facts may be proved, and, perhaps, that is the most complete proof, by the confession of the offender, which in many cases we shall state to your Lordships. Facts may be proved by the actual sight of the commission of those facts by credible witnesses, which, in the case of bribery and corruption, can very seldom be adduced. But facts may be proved, and facts of the most criminal nature may be proved, by a variety of circumstances establishing such strong presumptions that it is not possible for a reasonable man to suppose that they could exist without the criminal fact having been committed.

Proof adduced amounting

I shall contend that the proof of these particular facts, which I am about to state, is tantamount to the direct admission of

* Articles against Hastings.—Printed for Murray, 8vo., 1788, p. 49,

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the defendant, though there is no direct admission of the defendant at the bar.

to admission by Mr. Hastings.

Presentation at the Board by Mr. Francis of Nundcomar's charge against Mr. Hastings.

His mode of meeting the charge.

We have laid before your Lordships the consultation of the 13th of March, 1775. In that consultation it appears that Mr. Francis, a member of the Board, did lay before the Board a letter from a considerable person in that country, called Maharaja Nundcomar, which letter did state the substance of what is stated in the charge which I have just read to your Lordships. What is the conduct of Mr. Hastings upon the statement of that charge? Does he deny it? No! Does he immediately attempt to excuse or to justify it? No! But he makes some sort of attack upon the mode in which the charge has been produced; and I wish your Lordships to attend to the words in which that attack is made. It is in page 1005 of your printed Minutes—

"Mr. Francis has acknowledged that he apprehended in general that it contained some charge against me. If the charge was false it was a libel; it might have been false for anything that Mr. Francis could know to the contrary, since he was unacquainted with the contents of it; in this instance, therefore, he incurred the hazard of presenting a libel to the Board. This was not a duty belonging to his office as a Councillor of this State. I must further inform the Board that I have been long since acquainted with Nuncomar's intentions of making this attack upon me."

His hesitation in charging Mr. Francis with presenting an actual libel.

Your Lordships will observe that, in the very warmth and heat which arose in his mind upon this accusation—which, however, he had expected—instead of directly declaring, what was obvious for a man of honour to declare, that that accusation was false and groundless—that he had not received the money laid to his charge that he had received, he begins an attack upon Mr. Francis of a singular nature indeed, and tells Mr. Francis,—"You say you brought this to the Board not knowing the contents of it; then, if the contents of it had not been true, you would have brought a libel to the Board. You did, therefore, incur the hazard of bringing a libel to the Board."

If he had been sensible that the contents of this paper were utterly false and groundless; if he had been sensible that there was no truth in the facts alleged by Nundcomar; he, who certainly was not disposed to spare Mr. Francis, would not have stated Mr. Francis' guilt in an hypothetical manner, but he would have stated,—"You have brought a paper which contains not one word of truth, and have, in so doing, presented a libel to the Board." He knew, upon the first statement of the business to himself, that he had no

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right to make such an assertion; he knew the contents of that paper to be true; and therefore, in the violence of his accusation of Mr. Francis, he goes no further than to accuse him of having incurred the hazard of bringing a libel to the Board. Therefore, upon the first face of the thing, instead of denying the fact, Mr. Hastings tacitly and by inference admits it; for he accuses Mr. Francis, not of having brought a libel to the Board, but of having incurred the hazard of bringing a libel to the Board, if it had turned out that the contents of a paper, which he did not know, had been false, and which he himself admits to be true. One would think this alone would amount to an admission of the fact; but we have many other equally strong proofs which we have adduced to your Lordships.

Mr. Goring deputed by the Board to investigate the charge.

My Lords, we have proved upon this occasion that the conduct held by the Governor General and Council—that is to say, by the majority—was to depute a gentleman [to investigate the charge] whose character Mr. Hastings, in various parts of his transactions in India, and the Counsel, upon cross-examination, have in vain attempted to destroy, —I mean Mr. Goring, whose name stands as high for ability, for integrity and for purity, in the Company's service, as any gentleman's who ever was in that country; —a gentleman who, when there was an attempt at the bar of your Lordships' House to cross-question him upon the subject of presents or of anything of that kind, did then desire at once that the whole of his conduct upon that subject might be inquired into; saying that he had no objection to state to this House, the other House, and the world, the whole of his fortune and all the means by which he had acquired it.

Objection by Mr. Hastings to the investigation as unnecessary.

Mr. Hastings objects to the deputing this Mr. Goring, merely upon the ground that it was unnecessary. I shall have so much occasion, in the rest of what I have to submit to your Lordships, to comment upon the peculiar modes of expression or of thinking which belong to Mr. Hastings, that I will not stop at this moment to make an observation upon this word "unnecessary;" but I will submit, whether there is one noble member of this House, whether there is one person sitting in this hall who has the feelings of a gentleman upon points of honour and upon points of delicacy with respect to his character, who, when he had heard it alleged before the Council by Nundcomar that he had been guilty of peculation and bribery, would say that an inquiry into the business which related to that transaction was unnecessary.

7 June 1790. Many persons in such a situation might have said that the inquiry was unjust, in the mode in which it was conducted; that the inquiry was injurious to him. Others might have said otherwise, and, perhaps, more truly, that the inquiry was necessary for his honour; that it was desirable for him; and that it was a point upon which he should insist for the vindication of his own honour, if it might be otherwise of no use to the Company's service. But the applying the word "unnecessary," upon such an occasion and at such a time, is such a misapplication of the word, and still more of the idea, as, I believe, never did appear in evidence before your Lordships, nor before any other court of judicature whatever.

The consequence of Mr. Goring's inquiries was this letter from him,—

Letter of Mr. Goring.

"At a consultation, Fort William, 25th of May, 1775.

"Honourable Sir and Sirs,—Enclosed I send you an account of several sums given by the Bhegum. It is under her seal, and was delivered to me by the Nabob in her apartments.

"I am, &c.,

"C. Goring."

"PS. The Bhegum has made herself answerable to the Nabob for any sums that may be due to him by Etwar Ally Khan, and the Nabob has thought proper to release him from confinement."

Account of sums given by the Begum.

"Memorandum of disbursements by English gentlemen from the Nabob's Circar, in the Bengal year 1179.

"'To the Governor, Mr. Hastings, for an entertainment, 1,50,000 rupees.'"*

We have proved Mr. Goring's commission to inquire, which is in evidence, before; but I did not particularly observe upon it. It is an omission; many more of which, I am afraid, I shall be guilty of during this business.

Crimination of Mr. Hastings.

Upon this return of Mr. Goring's, in which he states this fact, which, upon the face of it, is undoubtedly a crimination of the Governor General,—I mean, that he had received one lac and a half, that is, 15,000*l.*—what was the conduct of the Governor General? The Governor General says,—

Demand of Mr. Hastings of explanation of the sum charged to have been

"As the commission given to Mr. Goring was to receive from the Begum all the accounts of the Nizamat for eight years past, and to deliver them into the hands of gentlemen appointed to examine and report their contents to the Board, I desire that Mr. Goring may be asked,—how he came by the account he has now sent in his first letter, of

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* Printed in the "Minutes of the Evidence," p. 1031.

the 22d instant, in which two sums only are mentioned, and said to be paid to myself and Mr. Middleton; and on what account this partial selection was made by him; and to desire an explanation from the Begum of the sum laid to my charge, and that he will ask the Nabob or the Begum their reasons for delivering this separate account."*

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received by him.

As to this, I am sure I need not use many words to persuade your Lordships that he knew he had received the sum; for, upon Mr. Goring stating that among the Begum's accounts it appeared there were three lacs, one lac and a half of which had been paid to Mr. Hastings, and a lac and a half paid to Mr. Middleton, what does Mr. Hastings say upon that subject? "I desire that the Begum may be cross-questioned; I desire that Mr. Goring may be cross-questioned"—in what manner? He does not apply his cross-questioning to invalidate the fact of having received the sum, but, in a manner admitting the fact, he asks why they have related those sums given to him and Mr. Middleton, and not the whole of the Nawab's expenditure.

Implied admission of its receipt.

In consequence of this, there was,—not in the exact words of his proposal,—but there was, a reference to Mr. Goring; and the directions to Mr. Goring were these:—

Inquiry of the circumstances ordered from Mr. Goring.

"Agreed that Mr. Goring be directed to inform the Board of every circumstance which attended the delivery of the paper; and, if any explanation was given by the Nabob or the Begum of these papers, to report the whole relation, and to enquire of the Begum a particular explanation of the payment said to be made to the Governor General."

In his queries, he does not only ask why these sums appear, not only what was the reason of a partial selection, but he asks an explanation of the nature of the sum paid to him; pointing clearly, as I shall show your Lordships hereafter, to the justification of his having received the sum, and not to a denial of his having received it. In answer to this, Mr. Goring makes the inquiry which he was directed to make, and writes the following letter:—

"Honourable Sir and Sirs,—I have been favoured with your letter of the 25th May, inclosing extracts and accounts relative to the establishment of the Nizamut; but observe you do not acknowledge the receipt of mine of the 19th. In compliance with your orders to explain the delivery of the paper containing an account of three lacks of rupees, I am to inform you it took its rise from a message sent me by the Begum, requesting I would interest myself with the Nabob to have Etwar Ally Khan released to her for a few hours, having something of importance to communicate to me on which she wished to consult him. Thinking

Further report of Mr. Goring.

* Consultation of the Board at Calcutta, 25th May, 1775.—Printed in the "Minutes of the Evidence," p. 1033.

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the service might be benefited by it, I, accordingly, desired the Nabob would be pleased to deliver him to my charge, engaging to return him the same night; which I did. I heard no more till the next day, when the Begum requested to see his excellency and myself, desiring Etwar Ally might attend. On our first meeting she entered into a long detail of her administration, endeavouring to represent it in the fairest light; at last she came to the point and told me—my urgent and repeated remonstrances to her, to be informed how the balance arose of which I was to inquire, induced her from memory to say what she had herself given; then mentioning the sum of a lack and a half to the Governor to feast him whilst he staid here, and a lack and a half to Mr. Middleton, by the hands of Bubboo Begum. As I looked on this no more than a matter of conversation I rose to depart, but was detained by the Begum's requesting the Nabob to come to her. A scene of weeping and complaint then began, which made me still more impatient to be gone, and I repeatedly sent to his excellency for that purpose; he at last came out and delivered me the paper I sent you, declaring it was given him by the Begum to be delivered to me. If in this affair I have exceeded my duty, I humbly beg pardon; but the extraordinary confidence you were pleased to repose in me, and the unlimited power attending it, moved me to exert myself to the utmost that the intent of my appointment might not be entirely fruitless.

Sum of one and a half lac given to Mr. Hastings to feast him.

"I am sorry to acquaint you, from what I have already heard, that the Nabob's affairs are in a very desperate state. The Sheristadars have delivered me an account from memory—the papers being sorting and under seal—by which it appears the Nabob is in debt ten lacks of rupees; the particulars I hope to transmit you in a few days.

Desperate state of the Nawab's affairs.

"Enclosed, I send you the Begum's letter and account particular of the three lacks, under its cover. I am, &c.

"3d June, 1775."

Letter of Munny Begum to General Clavering.

"From Munny Begum to General Clavering, inclosed in Mr. Goring's letter to the Board, of the 3d June."

After the usual forms—"Mr. Goring has pressed me on the subject of the balances, in answer to which I informed him that all the particulars, being on record, would in the course of the enquiry appear from the papers. He, accordingly, received from the Nabob, Mobarick ul Dowlah, a list of three lacks of rupees given to the Governor and Mr. Middleton. I now send you inclosed a list of the dates when it was presented, and through whose means; which you will receive."*

You will here observe, my Lords, that the result of this inquiry proposed by Mr. Hastings is a re-affirmation of the fact, which, indeed, he never denied, but into the circumstances of which, it should seem, he wished some inquiry to be made. Mr. Goring asserts, as I have stated, the manner of the delivery of it; and the Begum says that she told him, but she does not entirely rely upon her veracity in telling it, but told Mr. Goring that it would appear upon the records. By "the records" she meant the records of the accounts of her son, Mobaric-ud-Dowla; and upon those records it

Reference of the Begum to the records of the Nawab's accounts.

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* Printed in the "Minutes of the Evidence," p. 1,033.

undoubtedly would have appeared, if ever there had been an opportunity of producing those records before the Company or before your Lordships, which, for various reasons, we are not allowed to do. But they are not material to this point. Munny Begum does expressly say an account of these sums will be found upon the records; and there was also an account of feasting the Governor General.

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The records not allowed to be produced.

Upon this return to the queries put by Mr. Hastings, there is another consultation: and it is material to observe the conduct of Mr. Hastings, because it is precisely consonant to the conduct of Mr. Hastings,—an occurrence which seldom happens in reviewing the transactions of this gentleman. But, however, in this instance he certainly was consistent with his former declaration; because he does not ask any question or make any observation which tends to a denial of the fact, but points all his observations and all his new questions either to a justification of the fact, or to an inquiry into the motives upon which this accusation had been made against him.

No denial of the fact by Mr. Hastings.

"The Governor General begs leave to make the following remark to the Board:—as neither Mr. Goring's letter, of the 3d of June, nor the Begum's letter, addressed to the General, which was inclosed in it, contain the full confirmation required in the letter written by the Board to Mr. Goring on the 25th May, I desire that the following questions may be proposed to the Begum:—

Minute of Mr. Hastings at the Board.

"First,—Was any application made to you for the account which you have delivered for three lacs of rupees, said to have been paid to the Governor and Mr. Middleton, or did you deliver the account of your own free will and unsolicited?

Questions proposed to the Begum.

"Second,—In what manner was the application made to you, and by whom?

"Third,—On what account was the sum, one and half lack, given to the Governor General, which you have laid to his account?—was it in consequence of any requisition from him, or of any previous agreement, or of any established usage?

"I must, further, request that these questions be transmitted to the Resident at the Durbar, and that he be directed to put them, in person, to the Begum, and to take down her answers in her presence."*

There was afterwards a dispute at the Council whether this should be done, as he proposed, by Mr. Martin, or whether it should be done by Mr. Goring, or whether it should be done by both together; and it was ultimately agreed that these questions should be put to the Begum in

The questions put in writing in presence of Mr. Martin and others.

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* Consultation of the 8th of June, 1775.—Printed in the "Minutes of the Evidence," p. 1034.

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Observations by Col. Monson on the subject of the questions.

writing, Mr. Martin, Mr. Goring and two other gentlemen, being present: but these are not material.

In the debate, upon these questions being put, Colonel Monson observes,—

"The first question, in my opinion, has already been answered by Mr. Goring, in his letter of June 3.

"The second question, I think, is unnecessary; for if the money was given, it is of little consequence to the public in what manner this transaction has been made known.

"With respect to the third question, we already know on what account the lack and half of rupees was given; whether it was in consequence of a requisition from the Governor, or any other person, or by previous agreement, is not material, as the Directors will judge how far the Governor's having accepted of such presents is agreeable to their sentiments. I have heard that it has been an established usage for persons of distinguished rank, when resident at the court of eastern princes, to have large sums of money given them for their table expences.

"The Governor General can himself satisfy the court of Directors whether he received such an allowance from the Begum or the Nabob's household, or whether he has charged any sum on account of his expences to the Company while at Muxadavad." *

The questions directed to the motives of the present and its application.

I read this to show to your Lordships, in the first place, that it was observed at the time that these new questions which he put were only in some sort a repetition of those which already had been put, but for the more material observation, that they go to points not in question; for Colonel Monson judiciously observes,—"This goes to the motive, which is nothing to the purpose, or to the application of the present, which is nothing to the purpose neither, for it has already appeared that it was upon a pretence of entertainment; and that is a matter which it is for the court of Directors to judge whether, on such a pretence as that, you ought or not to accept any present whatever."

In consequence of this consultation, there were sent to Mr. Goring additional questions; and these were to be put in writing, as I said, by Mr. Martin and Mr. Goring, with two other gentlemen present. Now your Lordships will observe that, upon this second occasion, and this second set of queries which he sends to Mr. Goring, he acts precisely as in the first set of queries—that he does not ask one question tending to invalidate the fact of having received the money; but the questions go to two distinct motives, one—what led him to inquire into the giving the money? and the other—

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* Extract from the same consultation.

what was the pretence of receiving it?—which led to a justification, namely, the having received it upon the ground of an entertainment, which he might suppose to be legal. 7 June 1790.

In answer to these inquiries by Mr. Goring, there is a letter addressed to the Governor General, and received the 14th of June, 1775:—

Letter of Munny Begum in answer to the queries.

"At a consultation, Fort William, 24th of July, 1775. From Munny Begum, addressed to the Governor General and Council.

"'To-day, being Sunday, the 11th of Ribbee Assanee, or June, a little after sunset, Mr. Goring, Mr. Anderson and Mr. Maxwell, came to me and presented me with a paper containing questions from the Governor General and Council, without any seal or signature. In the said paper is the following question—'Whether any application was made to me for the account of the three lacks of rupees which are laid to the charge of the Governor and Mr. Middleton, or whether I delivered it voluntarily and without solicitation.' The case is this,—Mr. Goring on his arrival here seized all the papers and secured them under his seal, and all the Mutsuddies attended him and explained to him all the particulars of them. Mr. Goring inquired of me concerning the arrears due to the Sepoys; and Bohla observing that the Nizamur and Bahlah money was received from the Company, from whence then could the balance arise? I made answer that the sum was not adequate to the expenses. Mr. Goring then asked—'What are those expenses which exceed the sum received from the Company?' I replied—'All the particulars will be found in the papers.' The affair of the three lacks of rupees on account of entertainment for the Governor and Mr. Middleton has been, I am told, related to you by Rajah Goordass; besides which, there are many other expenses which will appear from the papers, as the custom of entertainment is of long standing, and, accordingly, every Governor of Calcutta who came to Moorshedabad received a daily sum of 2,000 rupees for entertainment, which was, in fact, instead of provisions: and the lack and a half of rupees laid to Mr. Middleton's charge, was a present on account of an agreement entered into by the Baboo Begum. I therefore fixed my seal to the account, and forwarded it to Mr. Goring by means of the Nabob.'"*

Custom of entertainment of Governor General.

Present to Mr. Middleton.

Mode of making the inquiry by Mr. Goring.

In this letter, the Begum states the means by which she was induced to make this discovery,—namely, that Mr. Goring came to make an inquiry into the whole of the Nawab's expenses, and that she referred him to the papers which contained those expenses: and among those papers, undoubtedly, were found these sums to Mr. Hastings and Mr. Middleton. If there was anything, in that paper of questions which Mr. Hastings put, relative to the matter of discovery, that is cleared up and explained. Mr. Goring came here to inquire into the Nawab's accounts. He took

* Letter from Munny Begum to the Governor General and Council, received 14th June, 1775.—Printed in the "Minutes of the Evidence," p. 1038.

7 JUNE 1790. the Nawab's papers: the clerks explained the account. Being asked—how it came that, when we had received all we ought to receive, still the expense exceeded the receipt, they stated—"because there were these other expenses which appear upon the books, and are the sums given to Mr. Hastings and Mr. Middleton."

With respect to the other question, she does expressly say it was for the purpose of entertainment, and mentions the rate that it was—2,000 rupees a day. Then what is the conduct of Mr. Hastings upon the receipt of this complete clearing up of the business by Munny Begum? His conduct is what is quite consistent with all his other proceedings; his conduct may be fairly implied to say this,—"I never denied the fact of receiving the 15,000*l.* I first objected to the way in which you accuse me of it. I said it was improper for a Councillor to bring a paper of which he did not know the contents, because he hazarded the bringing a libel. I said it was improper that those expenses of the Nawab's should appear and not others, and inquired why a partial selection was made. An account of the manner in which these papers appeared to us was sent by Munny Begum to Mr. Goring. Upon that, I put ulterior queries with respect to what had been done to lead her to make this discovery. She has explained to me that it was no discovery—no treachery—on her part, but what she could not avoid in consequence of Mr. Goring's commission; and, with respect to the other part, she has explained the ground upon which I received it, which shows my innocence—that it was upon the ground of an entertainment. I justify it upon that ground, and do not deny the acceptance."

Interpretation of Mr. Hastings' conduct, in reference to the inquiry.

I shall humbly contend that the circumstances which I have proved are not that sort of circumstances—they are much more—which I should bring to make out a circumstantial proof of a crime; but I bring these circumstances to prove Mr. Hastings' admission of the crime. I state them to be such circumstances as completely prove that Mr. Hastings, by the inquiries made by himself, by his reception of the answers to those inquiries, and by his conduct after the result of those inquiries, did, as plainly as if he had spoken the words, say, "Now I am satisfied; it appears in its true light; I never denied the receipt of the sum, but here is the account why it was given me, namely, upon the account of expenses, which I mean to justify." But it is not necessary for me to stop here.

The evidence produced intended as proof of Mr. Hastings' acknowledgment of the charge.

My Lords, this transaction was combined with several others, and there were frequent consultations, and as frequent debates, upon the subject at the Board of Calcutta. Those debates were carried on with a considerable degree of reciprocal warmth and reciprocal animosity. Mr. Hastings considered, as he has repeatedly said, the majority of the Council as his accusers,—as we have proved to your Lordships, for we have shown you a paper in which he says he so considered them. With those accusers he was continually debating, he was continually arguing, he was continually pointing out grounds upon which this proposition might be defended, or upon which he might accuse the bringers of it as factious or as attempting to disturb the government; but in no one instance does he take upon himself to deny the fact.

7 JUNE 1790.

Debates at the Board of Calcutta.

Recriminations by Mr. Hastings, without denial of the fact.

It may be worth while to read to your Lordships a minute upon this subject; which is certainly not the only one, for we have produced to your Lordships several pages of the same nature; but I refer your Lordships only to those pages, and will read one which, perhaps, may be considered as a summary of the whole, and contains the stronger parts of all the other minutes which are in the evidence before your Lordships,—the minute of Colonel Monson, General Clavering and Mr. Francis. It is the united minute of the majority.

Minute of majority of Council.

"The Governor General accuses us of attacking him with declamation and invective; yet, from the first outset of the differences between us, he has not ceased to attribute every one of those measures which we thought it our public duty to pursue, and which we do not doubt will stand the test of a Parliamentary enquiry, to a premeditated design to drive him from the government. A man who on all occasions permits himself to ascribe our conduct to so base a motive as the sole immediate purpose of working his overthrow, would have no title to complain of any terms in which we might think fit to retort such injurious treatment. But, although we have his own example to plead, we do not admit that we have followed it.

"The proofs produced against him, both positive and presumptive, are too strong to require the assistance of declamation; and whatever emotions the whole or any part of his conduct might excite in us, they are certainly unmixed with any personal resentment, which alone would give birth to invective.

"Mr. Hastings says, it is an insult on his situation to suppose that it requires courage in any man to declare openly against his administration. After the prosecution so obstinately continued against Mr. Fowke until a verdict could be obtained against him, notwithstanding he had been honorably acquitted at his first trial for the same charge, and after the death of Nundcomar, the Governor, we believe, is well assured that no man who regards his own safety will venture to stand forth as his accuser."

Intimidation of accusers.

JUNE 1790.

Charge relating to the Foujdar of Hoogly.

"In stating the evidence brought before the Board of his receiving near a moiety of the late fouzdar of Hougly's salary, he takes no notice of the two letters from the fouzdar himself by which the charge is supported. Without these letters, the authenticity of which was not disputed by the fouzdar, we should have given but little credit to the evidence of the person who produced them. Mr. Hastings does not deny the fact; nor has he, in this or in the case of the specific charge brought against him by Nundcomar, ever ventured to plead—'Not guilty!' Provided he can secure himself from conviction in a court of law, he seems to care very little what the court of Directors or the world may think of him.

Dismissal of Munny Begum.

"In answer to every thing the Governor General has said upon the subject of the dismissal of Munny Begum, we content ourselves with observing that it was not an operation of such mighty and pompous importance as he makes it. She is not the Nabob's mother. She is not by birth a woman of any rank, but originally, as we are informed, a slave and a dancing girl. We consider her merely as an instrument in the Governor's hand to dispose of the Nabob's revenue as he might think proper. His committing the guardianship of the Nabob to a weak woman, as he calls her in another place, is not to be accounted for on any other principle. In this country still more than in any other, a woman is particularly disqualified for such an office. We affirm also that her appointment was in direct opposition to the orders of the court of Directors, contained in their letter of the 5th of August, 1771. They order the Governor and Council to substitute some person in the place of Mahomed Reza Cawn, who might be well qualified for the affairs of government, and to recommend him to the Nabob to be minister of the government and guardian of the Nabob's minority. Instead of obeying these judicious orders, Mr. Hastings and his Council divided the office and the salary annexed to it among three persons,—the first, a weak woman, incapable in this country of any active employment; we believe there never was an instance in India of such a trust so disposed of; the second, Rajah Goordass, whom Mr. Hastings now calls a young man of mean abilities, a Gentoo, and the son of Rajah Nundcomar; the third, Rajah Bullub, whose youth and inexperience evidently made it impossible that he should be fit for such an office as that of Roy Royan;—in the hands of the Governor General he may be a convenient instrument! By this state of the whole transaction, it appears that the first measure of Mr. Hastings' government was a direct disobedience of the Company's orders.

Division of the office held by Mohammed Reza Khan.

Appointment of Raja Goordass.

"Our appointment of Rajah Goordass was temporary; we had no choice but between him and the Nabob's mother. As for Munny Begum, the present distresses of the Nabob and his family, the clamours of his creditors, and the mean and dishonorable state in which he was kept, sufficiently show what care she took of his revenues, and in what manner they were disposed of. Her care of his education stands much upon the same footing. While she was destroying his fortune, it is not likely that she should attend to the cultivation of his mind; nor do we conceive it possible that she could be qualified for such a trust. The accounts brought down by Mr. James Grant are under examination. The over-payment of near 14 lacks on account of the Nabob's pension, in the year 1772, is admitted by Mr. Hastings as a material error. The Nabob's present debts, contracted during the guardianship of the Begum, are supposed to amount to nine lacks. If any regard had been paid to the Company's orders of August, 1771, which direct that the

Administration of the Nawab's finances by Munny Begum.

minister at the Durbar should deliver annually to the Board a regular and exact account of the application of the several sums paid by the Company to the Nabob, such waste and embezzlement could not have happened; but, on the other hand, some gentlemen who appear to have profited by the Begum's bounty would have been precluded from one of the principal sources of their emoluments. 7 June 1790.

"We now proceed to the Governor's minute of the 30th July. He asserts that the Begum was compelled to deliver a paper to Mr. Goring, containing an account of two sums, of a lack and a half each, given to Mr. Middleton and the Governor. We pay no regard to that private information from which the Governor collects his accounts of Mr. Goring's supposed ill treatment of the Begum. We do not believe that any compulsion was used with her to induce her to make this discovery. If there was, let him prove it. The court of Directors will see that, on her mentioning an intention to come to Calcutta, she had immediate permission given her to remove to this town or to any other part of the provinces.

Alleged compulsion of the Begum to give information respecting money paid to Mr. Middleton and Mr. Hastings.

"We confess it appears very extraordinary that Mr. Hastings should employ so much time and labour to show that the discoveries against him have been obtained by improper means, but that he should take no step whatever to invalidate the truth of them. He does not deny the receipt of the money. The Begum's answers to the questions put to her at his own desire make it impossible that he should deny it. It seems he has formed some plan of defence against this and similar charges, which he thinks will avail him in a court of justice, and which it would be imprudent in him to anticipate at this time. If he has not received the money, we see no reason for such a guarded and cautious method of proceeding. An innocent man would take a shorter and easier course; he would voluntarily exculpate himself by his oath." *

Neglect of Mr. Hastings to invalidate the charge.

You observe that these words, which are as strong as could be found in the language, are used by General Clavering, Colonel Monson and Mr. Francis, for the purpose of showing Mr. Hastings—what?—not for the purpose of showing him his guilt, but for the purpose of showing that the queries which he had put to the Munny Begum, together with his acquiescence in this answer, and the whole of his conduct, amounted to acquiescence in the fact, and to mark to him that he had in no instance ever denied it.

Non-denial by Mr. Hastings of the charges.

My Lords, to these paragraphs which I have read the Governor General says,—

"Observations on the minute of General Clavering, Colonel Monson and Mr. Francis.

"'I shall reply to each paragraph in this minute, separately.'"

Minute of Mr. Hastings in answer.

Here your Lordships, I suppose, if you have not looked at the evidence or if it should happen to be out of your mind, will expect that Mr. Hastings, in his reply to all of these paragraphs of the minute, separately, will either do

* Extract from a minute of Gen. Clavering, Col. Monson and Mr. Francis, of the 15th Sept., 1775.—Printed in the "Minutes of the Evidence," p. 1097.

7 JUNE 1790. that which he was called upon to do as a man of honour—deny the fact of having received the money, or that he would show some reasons why his acting as he has done is consistent with the fact being false; and that it is possible he might have acted as he has done and spoke as he has spoken, supposing the money never to have been received by him. No! he answers this minute in a very particular manner:—

"I shall reply to each paragraph of this minute, separately.

"2d. Requires no reply.

"3d. This merits none.

Prosecution of Nundcomar.

"4th. I have declared on oath before the Supreme Court of Justice that I neither advised nor encouraged the prosecution of Maharajah Nundcomar. It would have ill become the first magistrate in the settlement to have employed his influence either to promote or dissuade it.

"12, 13, 14, 15. These require no reply.

"20, 21. These require no reply.

"29. This requires no reply."*

Refusal to reply to the particular charges.

These are the answers which the Governor General prefaces—"Observations upon the minute of General Clavering, Colonel Monson and Mr. Francis," in which he states that he shall reply to each paragraph separately. These replies are—"This deserves none."—"This requires none:"—with a little variation of the language—"This merits none:" and he gives no answer to them whatever! He might have despised the justice of this country, possibly, and he might have stood the brunt of all this inquiry [without replying to the accusations brought against him]. But, fortunately for the justice of this country, he has not in general wrapped himself up in those silent replies,—if I may be allowed such contradictory terms; but he has given explanations of his conduct, such as I have already stated to your Lordships in this instance, and shall have occasion to state in many other

Contrasted with his notice of mention of the case of Nundcomar.

other instances. But it does happen that, even in the short space of these few lines, he does give me ground to observe upon these negative replies, and to infer the opinion, which I hope I have already impressed upon your Lordships' minds, that he did admit and acquiesce in the idea of having accepted that sum; for, with respect to article the fourth, he has said—

"I have declared upon oath, before the Supreme Court of Justice, that I neither advised nor encouraged the prosecution of Maharajah Nundcomar."

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* Printed in the "Minutes of the Evidence," p. 1099.

Upon what distinctions will the defendant establish that, when there were accusations against him directly—such as there were with respect to the money he had received—it was not necessary for him to deny them; and, when there was not a specific accusation, but something which he interprets into an accusation, respecting the prosecuting of Nundcomar, he then thinks it necessary to purge himself upon oath of that guilt? 7 JUNE 1790.

My Lords, I am speaking my own opinion, and not the sense of any body of men who deputed me here, that, if the death of Nundcomar was a crime, it was a crime far exceeding all peculation; it was a crime far exceeding all bribery whatever; it was a crime of the blackest die which, perhaps, it was in the power of any human creature to commit! But will Mr. Hastings, or any person accused, say that the enormity of this crime was the ground upon which it was necessary for him to deny it? I should have rather thought that the reasoning would have turned otherwise, and that a man might have possibly said—"when you accuse me of such enormous crimes as this, bring me to my trial and I will justify myself." But, that he should say—"upon all other subjects accuse me as you will; of murder—accuse me of this—I will purge myself upon oath;—but accuse me of specific crimes—of peculation—accuse me of taking bribes, and that is a subject which I will not answer, or deny the fact of having received them!" I should have thought that, if there was a peculiar delicacy in the mind of any man, that would make him more forward to offer an inquiry upon one subject rather than another, it would be upon all subjects connected with and related to pecuniary transactions. Men would naturally say, upon all crimes connected with corruption, upon all crimes connected with peculation, and connected specially with corruption and peculation in a place and in a settlement where those crimes have been so notoriously committed, that a man would, in that situation, offer himself to an investigation with peculiar earnestness. But he did no such thing; and, in a letter which he afterwards wrote to the court of Directors, in which he complains much of the conduct of the whole majority, in which he complains much of their conduct to him in every respect, in which he complains much of the commission granted to Mr. Goring, and of Mr. Goring's manner of executing of it—a long detailed circumstantial letter—there is this to be observed, that he denies many

Duty to meet inquiry on charge of pecuniary corruption.

Mr. Hastings' letter to the Directors.

7 JUNE 1790.

Refutation of small charges.

things, in it; that he descends to very minute particulars, one of which I will give your Lordships as a specimen. It is in page 1024 of your Lordships' Minutes. He says,—

"As to the charge of withholding from Nuncomar a palakeen which he lays claim to, I am ashamed to reply to so futile an accusation. The Enclosure, No. 2, delivered to me by Mudglis Roy, the vakeel of Rajah Shitabroy, contains all that I know of this affair, except that the palakeen is in my possession, as I am told—for I have never seen it."

Silence as to the receipt of the money received.

Now, in this letter, he goes so far as to condescend to reply to an accusation which he states, and states truly, to be so futile as not even to merit any observation whatever. But he does condescend to observe upon it; he condescends to explain that fact, and, by a reference to the document to which he alludes, to purge himself from any guilt on the subject of this miserable palakin; and yet, in this very letter where he answers to circumstances so futile, as he himself says, that he is almost ashamed of saying anything about them, he does avoid, throughout the letter, in any one passage of it,—and I desire your Lordships, when you read it again, will read it attentively with that view,—he studiously avoids saying any word which can be construed into a denial of having received the 15,000*l.*, or lac and a half, upon pretence of expenses.

Receipt of one and a half lac for entertainment proved.

Therefore, I think this is not a point to be argued upon circumstantial evidence. I think we have proved clearly before your Lordships, by his own constructive admission, that he did receive one lac and a half of rupees from Munny Begum on the pretence of entertainment.

Impropriety of the appointment of Munny Begum.

Having proved this part of the charge, as I apprehend, from his own confession, or at least from that constructive confession, we now proceed to the other part of it, which is, the impropriety of the appointment of Munny Begum. These are the orders of the court of Directors, at page 973 of your Lordships' Minutes:—

Orders of the court of Directors for appointment of a successor to Mohammed Reza Khan.

"Extract of a letter from the court of Directors to the President and Council at Fort William, in Bengal, dated 28th August, 1771, beginning at page 107 of the same book.

"'Though we have not a doubt but that by the exertion of your abilities, and the care and assiduity of our servants in the superintendency of the revenues, the collections will be conducted with more advantage to the Company and ease to the natives than by means of a Naib-Dewan, we are fully sensible of the expediency of supporting some ostensible minister, in the Company's interest, at the Nabob's court, to transact the political affairs of the Circar, and interpose between the Company and the subjects of any European power, in all cases wherein they may thwart our interest or encroach on our authority; and as Mahomet

Reza Cawn can no longer be considered by us as one to whom such a power can safely be committed, we trust to your local knowledge the selection of some person well qualified for the affairs of government, and of whose attachment to the Company you shall be well assured. Such person you will recommend to the Nabob to succeed Mahomed Reza as minister of the Government and guardian of the Nabob's minority; and we persuade ourselves that the Nabob will pay such regard to your recommendation as to invest him with the necessary power and authority. 7 JUNE 1790.

"'As the advantages which the Company may receive from the appointment of such minister will depend on his readiness to promote our views and advance our interest, we are willing to allow him so liberal a gratification as may excite his zeal and ensure his attachment to the Company; we therefore empower you to grant to the person whom you shall think worthy of this trust an annual allowance, not exceeding three lacks of rupees, which we consider not only as a munificent reward for any services he shall render the Company, but sufficient to enable him to support his station with suitable rank and dignity. And here we must add, that, in the choice you shall make of a person to be the active minister of the Nabob's government, we hope and trust that you will show yourselves worthy of the confidence we have placed in you, by being actuated therein by no other motives than those of the public good and the safety and interest of the Company.

Annual allowance of three lacs.

Choice of the minister.

"'As the disbursements of the sums allotted to the Nabob for the maintenance of his household and family, and the support of his dignity, will pass through the hands of the minister who shall be selected by you conformable to our preceding orders, we expect that you will require such minister to deliver annually to your Board a regular and exact account of the application of the several sums paid by the Company to the Nabob. This you will strictly examine; and we trust that you will not suffer any part of the Nabob's stipend to be appropriated to the minister's own use, or wasted among the unnecessary dependants of the court; but that the whole amount be applied to the purposes for which it was assigned by us.'"*

Protection of the Nawab's stipend.

In this your Lordships have the Company's orders, which are exceedingly material for you to observe in many points of view. But the point of view which I more particularly press upon your Lordships at this moment is, that they appeal to local experience to appoint a person every way qualified for the situation in which Mohammed Reza Khan had previously been. What does Mr. Hastings upon this? An application is made to him to succeed to the office of Mohammed Reza Khan by an uncle of the minor Nawab, Yetteram-ud-Dowla; he writes, as we have shown in evidence, a letter, in which he states himself, by being the nearest relation to the Nawab, to be the properest person to stand in the situation in which Mohammed Reza Khan before stood. But he states it, not only upon the pretences

Mr. Hastings' conduct respecting the appointment of a successor to Mohammed Reza Khan.

Application by Yetteram-ud-Dowla, uncle of the Nawab.

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* Printed in the "Minutes of the Evidence," p. 973.

7 June 1790. which he has, but that he has been desired so to do by the Begum, the mother of the Nawab.

Rejected by Mr. Hastings.

Mr. Hastings, as we have stated to your Lordships in evidence, in page 975, gives a variety of reasons against appointing Yetteram-ud-Dowla. Among other reasons, he gives the danger in which the Company would be from any man being appointed to that office; because, he says, in that office there might be intrigues against the Company, and in short, the authority of the person in the place of the Nawab might be restored to an extent which might be dangerous with respect to the interests of the India Company. He also states, that he thinks the sum of three lacs of rupees too large a sum to be squandered upon the person whom he considers to be totally inefficient and useless to the government. Therefore, he entirely waives the orders of the Company; appoints nobody in the situation of Mohammed Reza Khan; but appoints three officers in his stead, Munny Begum, Raja Goordass, and a subordinate officer, whose name is Sudder-ul-Huk Khan.

The appointment split into three offices.

Appointment of Munny Begum.

We have stated before your Lordships who this Munny Begum was,—that she was originally in a very low situation of life; that afterwards she was a mistress of Mir Jaffier, and by him had this natural son, Nujem-ud-Dowla, who by the corruption of the Company's servants had been put in the situation of Nawab, but who was since dead. The orders of the Company being, specifically and directly, that he should appoint a proper person, a person of considerable abilities and a person of considerable station, to command respect from foreign powers, as successor to Mohammed Reza Khan, he appoints a woman, a weak woman as he considered her to be, a woman of low extraction, and a woman no way qualified to command the respect due to this situation; and, having stated that three lacs would be too much much to give to such an officer, he takes the whole of those three lacs and divides them between her, Raja Goordass,—of whom he states himself to have no opinion—whom he puts at the head of the household, and this subordinate officer, who has very little of the business or profit,—only 6,000 rupees, I think, out of the whole three lacs.

Disobedience to the order of the Directors.

We contend that, in that act, we have proved the part of our charge that we read before:—that, by appointing this Munny Begum and receiving this present from her, he not only incurred the guilt of having received a present where he had no right to have received one; he not only incurred

the guilt of putting a person in the situation on account of that present; but that he did substantively appoint a person in direct contradiction to the orders of the Directors, they being, to appoint a person of the description I have stated, and he appointing a person no ways answering, in any one particular, to that description. 7 June 1790.

My Lords, I think I have now done, with respect to these two points, what I promised your Lordships to do. I have proved the substantive part of the charge. I have proved that Mr. Hastings did accept one lac and a half of rupees contrary to what I have stated to be his duty. I have proved, also, that he did appoint Munny Begum to a situation of respect for which she was by no means fit, from the circumstances which belong to her, and which I charge to be in direct contradiction to the orders of the Company directing him to put in that place a person of a very different and, I might say, opposite description. Recapitulation.

Here I beg to pause for a moment, to state that, if I were to stop short here, I should conceive myself intitled to call for judgment, and to say to your Lordships that you cannot do other than pronounce Mr. Hastings to be guilty upon these parts of the sixth Article of the impeachment which I have stated to your Lordships. But I have not done upon this subject yet; because I would say one word, if your Lordships would allow me, upon the particular situation of this Court in the case of an impeachment, and of the particular cast of the crimes which we here accuse. Situation of the court, and cast of crime brought before it.

In the first place, with regard to the particular cast of the crimes, many of the crimes that we state are disobedience. In this particular instance, the substance of the two crimes consists in disobedience—that he accepted presents which he was forbid to accept, and that he appointed Munny Begum contrary to the orders of the court of Directors. These I conceive to be substantive crimes. But, my Lords, the distance from Bengal to Great Britain, the impossibility of exactly adapting any orders given in London to the circumstances that may happen to exist in Bengal, are such that, undoubtedly, there may be cases where a disobedience to the orders of the Company, or even a disobedience to an Act of Parliament, may be, if not wholly justified, yet to a great degree excused; and in some instances, possibly, it may go further than either excuse or justification, and be in itself meritorious. But these are all exceptions to the general rule. I contend that, when I have proved that a Disobedience. Particular cases of disobedience excused.

7 June 1790. Governor did disobey orders which he was bound to obey, that he had received money which he had been told not to receive, or that he had appointed a person whom he had been told not to appoint, you must presume him, *prima facie*, guilty; and that it rests upon him to state the particular circumstances which make that disobedience, which is, *prima facie*, criminal, in a particular instance, either meritorious or at least innocent.

In the present case disobedience a crime.

But, my Lords, I think that, in this case, I shall be able to prove to your Lordships—after having proved, as I think I have, the substantive guilt—a great number of circumstances, to show that this disobedience was not to be justified; that this disobedience was not to be excused; but, on the contrary, that there are many circumstances in it which add to the disobedience itself, and aggravate that which is, *prima facie*, in itself a crime.

Peculiarities with respect to the court

Having stated these peculiarities with respect to the nature of the crimes which we prosecute, I will also state some peculiarities with respect to the Court. When your Lordships shall have found Mr. Hastings guilty, the Commons will have nothing more to do, as I understand, than to pray for judgment against him. It is possible your Lordships may find Mr. Hastings guilty of a misdemeanour; that it may be afterwards matter of much deliberation what the weight, the nature and degree, of that misdemeanour is, in order to affix to it an adequate and proportionable punishment. Of that, I conceive, it is my duty now to speak: and that it is my duty, having shown that Mr. Hastings committed a misdemeanour, to show the nature of it—to state the circumstances which aggravate it; and which circumstances ought to be in your Lordships' consideration, when you come to fix a punishment for the misdemeanours which we have proved.

Circumstances aggravating the misdemeanour committed.

My Lords, I shall now proceed to show your Lordships, from the evidence produced at your bar last year, that there are many circumstances which I have not yet touched upon, because I do not think them necessary to prove the crime, but which I am sure your Lordships will take into consideration, both as establishing, in the first place, the *malus animus* which constitutes the guilt, and, in the second, the degree of guilt which constitutes the crime. It may not be amiss, in the first instance, to state to your Lordships, that I should conceive there would be little difficulty in admitting, that any circumstance that showed that Mr. Hastings had been

Partiality to Munny Begum.

guilty of any great, unwarrantable, partiality to Munny Begum,—that he had done much in her favour, or in the favour of her own son, or of the government of Bengal, which he ought not to have done,—that any such proof will go a great way to convince your Lordships that the appointment that he made of her was not only a disobedient appointment, but was a criminal appointment, and that the present which he accepted from her was, not only illegal, but, in every sense of the word, a criminal and corrupt present. 7 JUNE 1790.

Criminality of the appointment.

The first instance I shall produce to your Lordships upon this subject is one, in my idea, so powerful that, strong as the rest are, I hardly know whether it is worth while to rely upon them; because, in itself, it carries features of criminality and corruption so strong that, even if it belonged to a fact otherwise apparently innocent, it would give its colour and dye to that act. My Lords, we have proved that orders had come from the court of Directors—I believe in the year 1771 or thereabouts—to reduce the stipend of the Nawab from thirty-one lacs, or thereabouts, to sixteen lacs. We have proved to your Lordships that Mr. Cartier, in the month of January, 1772, notified to the Nawab this intended reduction, and that it was understood that it was to take place, I believe, from the date of that letter, or from the date of the Nawab's receipt—which is no difference, it being but a small distance,—and that the reduction, ordered by the Company, in the Nawab's settlement was to take place from some time in the month of January, 1772. This was the intention of the Company. But it is not so material for me to state that, because I am about to read a letter of Mr. Hastings to the Company, in which he shows how he understood their sense of this order; and he takes a considerable merit to himself for having executed it in the way in which he supposes them to have wished it to be executed. And I do assure your Lordships that your time will not be thrown away, if you listen attentively to every word of that short letter which I am about to read to you. It is in page 984 of your Minutes.

Order of the Directors to reduce the Nawab's stipend.

"*Extract of a letter from Mr. Hastings to the court of Directors, dated Fort William, 25th March,* 1775.

"'Your order for the reduction of the Nabob's stipend was communicated to him in the month of December, 1771. He remonstrated against it, and desired it might again be referred to the Company. The

Letter of Mr. Hastings to the Directors.

7 JUNE 1790.

Remonstrance of the Nawab to the reduction.

Board tacitly acquiesced in his remonstrance, and the subsequent payments of his stipend were made as before. I might easily have availed myself of this plea. I might have treated it as an act of the past Government, with which I had no cause to interfere, and joined in asserting the impossibility of his defraying the vast expense of his court and household without it, which I could have proved by plausible arguments drawn from the actual amount of the Nizamut and Behla establishments; and both the Nabob and the Begum would have liberally purchased my forbearance. Instead of pursuing this plan, I carried your orders rigidly and literally into execution. I reduced the Nabob's stipend from the date on which the first notification of it was made to him. I undertook myself the laborious and reproachful task of limiting his charges, from an excess of his former stipend, to the sum of his reduced allowance; and I had the satisfaction of viewing the Nabob in a state of magnificence suitable to his dignity, within a twelvemonth after, at Plassey, where he had met me, the year before, with every appearance of indigence and meanness. For this, too, I can appeal to many gentlemen of your service, who were witnesses of the Nabob's condition in both the periods which I have related."*

The reduction enforced. Improved condition of the Nawab.

Statements of the letter.

There is not one word of this letter which it is not material for your Lordships to recollect. You will observe that he states that the reduction in the Nawab's expenses was to take place from the time of its notification to him, in December, 1771, as he says; I only contend, in January, 1772; he states that the Nawab, however, had remonstrated against this, and that the Council seemed to acquiesce,—"the Board tacitly acquiesced,"—and he adds to it—"I might easily have availed myself of this plea, and joined in a variety of arguments;" and he says—"I might have found out plausible arguments,"—I rather think he is too sanguine sometimes about the plausibility of arguments which he brings in such instances—"and, if I had, the Nawab and the Begum would have liberally purchased my forbearance; but I, disregarding all hopes of the liberality of the Begum and Nawab, not looking to their protection, not looking to their favour, I was above all considerations of pity and tenderness to that innumerable corps of the servants of the Nawab who were to be dismissed, and pensioners who were to be set at large. I executed my duty in a rigid, stoical, manner, disregarding the cries of sufferers on one hand, disregarding the entreaties of the Nawab on the other, disregarding all advantages to myself; because, instead of gaining the favour and gratitude of the Begum and Nawab, I subjected myself to their resentment, by putting this order in rigid execution at the time when it was first notified to them."

Merit claimed for reducing the Nawab's household.

* Printed in the "Minutes of the Evidence," p. 984.

7 June 1790.

Inferences suggested by the facts being contrary to the statements.

Is it uncandid to state that, when a man puts his actions upon such a ground,—when he takes a merit to himself for a reduction which, he says, he made to take place in 1772, but which he might have avoided for a considerable time afterwards, and the avoidance of which, he says, would have been purchased by large bribes from Munny Begum and the Nawab—is it uncandid to say that, if I can prove that he did the very reverse of what he states; that he did not reduce it till 1773, instead of 1772; that he did pay the thirty-one lacs instead of sixteen; and that he did all those things which, he says, he might have done if he was inclined to take bribes and receive rewards—is it uncandid to say, when he has put the test of his innocence or guilt upon this very fact, when he says—"you might have justly suspected me if I had not reduced it from the beginning of 1772, though I could have covered my conduct with plausible arguments,"—and I prove, on the other hand, that he did that very thing which he denies—that he did it from those motives which he suggested might have been motives so to do it?—that he might have been purchased so to do by the Nawab and the Begum? If I do prove that he has forborne, is it uncandid to say that that forbearance was liberally purchased by the Nawab and the Begum,—especially, as we know that from the Munny Begum he had received a sum which he was not intitled to receive? By what carelessness he wrote this letter, in 1775, I know not; by what evil genius impelled, he wrote this letter, in 1775, I know not; but undoubtedly, he does there take to himself a considerable merit for a fact which is not true; and does fairly admit all the imputations which we can lay upon him, provided the state of that fact is proved not to be as he has stated it.

Accounts of the Nawab.

My Lords, about two months after the writing of this letter, in which he has boasted of his firmness, in which he has boasted of all the things which I have stated, and in which he has put his merit upon the issue of that fact, appear these circumstances which I am now about to state, and which have already been produced in evidence. The following is an extract of a consultation of the 25th of May, 1775, beginning at page 376; it is in page 985 of your Lordships' printed Minutes:—

"Account current of the Nabob Mobarick ul Dowla, from the time of the accession to the musnud to the 16th of August, 1772. Creditor,

7 June 1790. for annual stipend, due to him from 1st May, 1770, to the 16th August, 1772, at 31,81,860 per annum, for 27 months, 16 days, is 73,000,601.

"Fort William, 11th May, 1775. Errors excepted.

"Signed, Charles Crofts, Accountant General to the Revenue Department."

The following is an extract from the same consultation, beginning at page 2307 of the same book:—

"Account current of the Nabob, Mobarick ul Dowla, from 17th August, 1772, to the end of February, 1775.

"For amount of annual stipend, due to him, at the rate of 31,81,860 per annum, agreeable to the establishment, from 17th August to 31st December, 1772, for four months, 11,84,359.

"Fort William, 11th May, 1775. Errors excepted.

"Signed, Charles Crofts."

Reduction in the Nawab's allowance not made down to Dec. 1772.

Now, my Lords, you see that, by this account, signed by Mr. Crofts, it appears that the old establishment of thirty-one lacs is paid down to the 31st of December, 1772; so that you see, in this account—for both the accounts tally—it says,—"at the rate of thirty-one lacs;" and, if you will observe the sums, they are fairly calculated upon the rate of thirty-one lacs; therefore there is no accidental mistake of figures. So that it appears that this retrenchment, which Mr. Hastings said he might, if he had been corruptly inclined, have deferred to the end of the year 1772, which he said he had many plausible arguments to defer to 1772, by deferring which to 1772 he said he should have gained the favour of the Begum and the Nawab, in which instance they would have purchased liberally his forbearance, was actually, contrary to the fact stated, continued down to the end of 1772, without any reasons offered for it by Mr. Hastings, and, probably, with a liberal purchase given him for forbearance by the Begum and the Nawab!

Contradiction of Mr. Hastings' statement.

It would appear to any man, not acquainted with the general modes of acting of Mr. Hastings, a strange and unaccountable thing, that, in the month of March, 1775, he should have defended his innocence upon the ground of the reduction of that establishment at the beginning of the year 1772, when he knew that there were, in the accountant's office, accounts which might have been produced, and which would bring him to the complete shame to which I have just now brought him at your Lordships' bar. But he has singular ways of getting rid of accusations when they come to bear against him and which it is impossible to answer!

The next paper is in the same page of your Minutes—a consultation of the 12th of June, from a book already delivered in :— 7 JUNE 1790.

"The Board also recur to the Nabob's account delivered in by the Accountant General to the Revenue Department, in consultation, 25th ultimo."

That is to say, the Board refer to those accounts which I have just stated. Your Lordships have not forgotten Mr. Hastings' letter, I trust, with all his boast upon this subject. Now look a little to his observations :—

Observations by Mr. Hastings.

"The Governor General informs the Board that there appears to him a very material error in the account current with the Nawab signed by Mr. Crofts, and now before the Board, credit being therein given to the Nawab for his stipend, according to the old establishment, to the 31st of December, 1772; whereas it was expressly settled by the committee of circuit, in July or August, 1772, at the time that the Governor was with the committee at Moorshedabad, that the reduced stipend should take place from the day on which the Nabob received the former notification of the Company's orders, on that subject, from Mr. Cartier,—which was in December, 1771, or January, 1772; that he thinks this mistake ought to be rectified, before the accounts are finally adjusted with the Nabob."

When Mr. Hastings is detected in this falsehood, to what has he recourse? He has recourse to saying—"here appears indeed to be a very material error." The Governor General tells you, in the year 1775, that he finds, to his great surprise, that in a period elapsed, for near three years, there was a considerable and material error, namely, the error of paying to the Nawab 150,000*l.* sterling and upwards, which was by no means his due. And this error had subsisted, and would have subsisted, if those accounts had not been called for for the purposes for which they were,—originating, I believe, from Mr. Hastings' imprudent boast. Then he contents himself with saying,—"here is a material error ;"—but adds—"I think"—he thinks, for once, that error ought to be the ground of some inquiry—"this mistake ought to be rectified, before the accounts are finally adjusted with the Nabob."

Suspicions arising from his lenient notice of the accounts.

But is this the natural behaviour of a man in such a case, when a person, in an office of such trust as Mr. Crofts, had committed so material an error as to charge to the Company's accounts above 150,000*l.* sterling more than he ought to do, and the retrenchment of which he had thought a matter of considerable importance? Was it not natural that he should feel all that just indignation against Mr. Crofts,

7 JUNE 1790.

which any Governor ought to feel at any officer, employed in a high and important trust, having made an error in his accounts of such magnitude?

Mr. Crofts, the accountant, under Mr. Hastings' protection.

We have clouds of evidence to show to your Lordships that Mr Crofts, before this time, was a person protected and appointed by Mr. Hastings. We have still further documents to show that, instead of forfeiting in any degree his favour for this error, which in any other case would be called an enormous and monstrous delinquency, from that time, instead of punishing and discountenancing him, he was ever after the chief and prime favourite of Mr. Hastings, employed by him in his most secret transactions, and advanced to the highest and most important trusts in the Company's service. I say that, when a Governor General sees an error of this kind and does not punish, but rewards, the person guilty of it, he makes himself answerable for the error so committed. However, this error was to be set right. And here I must beg a little of your Lordships' peculiar attention, because, if I state anything in matters of account wrong, I should be exceedingly sorry; but it appears to me so clear, that a small attention from your Lordships will enable you to see it as clearly as I do. In the same page, in the consultation of the 4th of September 1775, occurs the following letter:—

And thenceforward promoted by him.

Account rendered by R. Johnson.

"Honourable Sir and Sirs,—Indisposition prevented the attention of Mr. Croftes at the office. I take the liberty to acknowledge the honour of your commands, transmitted the 16th instant, by your assistant secretary. In compliance with the spirit of which—want of materials preventing compliance with the letter—I have drawn out the two accompanying accounts, Nos. 1 and 2; the first stating the Nabob Mobarick ul Dowlah's account with the Honourable Company, from the period expressed in your commands to the latest period possible, the 30th of April, 1775; the second, an annual account of payments made to the Nabob, during the periods that Mr. Middleton acted as Resident at Durbar, drawn up from his own accounts as transmitted to the Presidency.

"Signed, RICHARD JOHNSON." *

Now upon this account, there is an endeavour to set the other account right, and it states on one side of the account—

"To amount paid by the Company's Council of revenue at Moorshedabad, of this date—that is from January, 1772, to the 8th of September, 1772—twenty-five lacks; balance due to the Nabob, four lacks; which make together the sum of 29 lacks."

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* Printed in the "Minutes of the Evidence," p. 986.

There is stated on the other side of the account,— 7 June 1790.

"January 1st.—By arrears due to him upon the old establishment to this date, nineteen lacks. Sept. 8.—By stipend agreeable to the new establishment, from January 22 to this date, making 7 months, 17 days, ten lacks; which makes the same sum of 29 lacks to sett off against the other sicca rupees on the other side."

Now, if there was any truth in this account, this would set the whole matter right. They were so sensible of this error, and of this error being, as Mr. Hastings justly observes, a very material one, and leading to consequences of the greatest importance, that they endeavour to justify it by this means. They say,—"True, it appears that such sums were paid to the Nawab." But, in order to convey an idea that they were not paid upon the notion of the old stipend being continued, they state that these sums were paid, but that they were paid in discharge of arrears due to the Nawab upon the old stipend, to the amount of twenty-five lacs; and, therefore, they state that the further balance to the Nawab was only four lacs; so that, if this account were true, the other might only be an error in the way of stating it, and not a real and substantial error. From this account one would suppose this had been paid, not as part of his stipend, but as an old outstanding arrear.

Attempt to correct the first account by charging sums as arrears.

This was the attempt. But then, in the same page of your Lordships' Minutes, in an extract of a consultation of the 14th December, 1772, subsequent, of course, to the period in September, 1772, to which some of these accounts were made up, your Lordships will find an account, at the bottom of the page, stating the total amount of the Nawab's debts. That we have nothing to do with. Then there comes,—"Due from the Company, 19 lacks [19,78,556 : 6 : 1 : 1]:" then—"Due for assignment on the zemindars, two lacks more [2,43,353 : 9 : 9 : 1]." So that the result of this account is, that the apparent balance due to the Nawab is nineteen, but the real balance due, with the addition of these two sums, is twenty-two lacs.

Further accounts of sums due to the Nawab.

Now this account completely falsifies the other; because, if it were true that the sums paid the Nawab in the month of September were, as that account purports them to be, part of an old balance outstanding, then the next account must be true—that the balance was reduced to four lacs.

Contradictions in the accounts.

Now it appears, in the month of September following, that that balance was not a balance of four but of twenty-two lacs due to the Nawab; *ergo*, it is impossible that that

7 JUNE 1790.

balance could be paid up to the month of September; for it was impossible that that new balance, in addition to that four, should be incurred, the whole stipend altogether being but sixteen lacs. Therefore there can be no pretence that there was any new balance, to so considerable an amount, incurred between September and December.

Explanation of the contradiction.

What makes this difference in the two accounts? I will state to your Lordships shortly and, I believe, unanswerably. This difference arises from this circumstance—that

Crofts' first account correct.

Crofts' first account, in which was said to be this material error, was the true account, namely, that the Nawab had been paid according to his old salary; that the subsequent account, referring these payments to an outstanding arrear, was false and fictitious, made to reconcile, in some degree, the account of Crofts with Mr. Hastings' declaration; and that it was so far from being paid, that it was

Proof that Mr. Hastings did not reduce the Nawab's allowance.

outstanding to the month of December, 1772. So that this very scheme of Johnson's—under whose direction does not appear—of endeavouring to falsify Crofts' account, and endeavouring to impose upon the Board and Council at Calcutta a false account, only served to illustrate more clearly Mr. Hastings' guilt upon this subject, and to prove that he did directly the contrary of that which he asserts;—that, instead of reducing the Nawab's revenue from the beginning of the year 1772, he did continue the old stipend to the end of the year 1772, with all the observations to

A price taken for his forbearance.

which that continuation is liable,—namely, among the principal observations, that by so doing he might gain, as in point of fact he did gain, a liberal price for his forbearance from Munny Begum and from the Nawab.

My Lords, I think, if I had stated this circumstance—and this circumstance only—to your Lordships, I should have sufficiently proved the aggravated guilt of Mr. Hastings in receiving these fifteen lacs from Munny Begum.

The false account not stated as a substantive charge against Mr. Hastings.

I beg your Lordships will all along keep in your minds that I do not state this false account as a substantive charge against him,—for this reason,—because it is not in our charge; but I state it as a powerful medium of proof, that, in taking that 15,000*l.* from Munny Begum and in appointing her, contrary to the orders of the Directors, he

Corruption inferred.

acted in a corrupt manner, and with very bad and interested views; and you will take a proof of it, which is always allowed to be a proof, from the false accounts he has given of all the transactions connected with it.

7 June 1790.

Order of the Directors that an exact account should be kept.

I shall now state to your Lordships another paper of considerable importance, in my conception; a paper, concerning the production of which there was some debate between the Counsel on the other side and us, and upon which paper—which has not often been the case—we had the good fortune to gain your Lordships' opinion;—I mean, the paper in which the East India Company direct that there should be an exact account kept. They directed—in my opinion very judiciously—that not only an account should be kept of the moneys issued to the Nawab, but that this officer, whom they expected to be appointed to this situation in the room of Mohammed Reza Khan, should also give an account of the disbursements of the Nawab; thinking it material for the interests of the Company that his disbursements should not be more than his income, and that, by seeing the disbursements of the Nawab,—which was also a good reason, if it was so,—they might be able to discover whether any of their servants received any illegal presents from the Durbar. In page 983 of your Lordships' Minutes the following extract of a consultation of the 21st June, 1775, was read:—

Motion of Gen. Clavering for production of the account so ordered.

"General Clavering.—'I beg leave to move that the Accountant General or the Accountant of the Treasury be ordered to lay before this Board the annual account which has been transmitted to the late President and Council, or to the Governor General and Council, from Rajah Goordass, in consequence of the orders contained in the 26th paragraph of of the General Letter of the court of Directors, of the date of the 29th of August, 1771, in the following words:'—'As the disbursements of the sums allotted to the Nabob for the maintenance of his household and family and the support of his dignity, will pass through the hands of the minister who shall be selected by you, conformable to our preceding orders, we expect that you will require such minister to deliver annually to your Board a regular and exact account of the application of the several sums paid by the Company to the Nabob. This you will strictly examine; and we trust that you will not suffer any part of the Nabob's stipend to be appropriated to the minister's own use, or wasted among the unnecessary dependants of the court, but that the whole amount be applied to the purposes for which it was assigned by us.'"

This is what General Clavering desires may be produced; and he founds his desire upon that order of the Company which I have stated.

Mr. Hastings' admission that the account had not been kept.

"Governor General.—'I can save the Board the trouble of this reference, by acquainting them that no such accounts have been transmitted; nor, as I can affirm with almost a certain knowledge, any orders given for that purpose either to Goordass, to whose office it did not properly belong, nor to the Begum, who had the actual charge and responsibility of those disbursements. This I am willing to acknowledge to have been an omission of the late government, among, perhaps, many others, unavoidable in the multiplicity and importance of their other duties; and,

7 JUNE 1790. perhaps, less attended to in this instance, from the absolute impossibility to examine the accounts or draw from them the uses intended by this order of the Honourable Company. I will answer for my own part, that, having given a great part of my time and attention in the course of many months to form a new establishment of the Nabob's expences, reduced within the sum of his reduced stipend, I had little encouragement, had it ever occurred to me, to go through the annual labour of scrutinizing and auditing the long accounts of his actual disbursements."*

Here you see, my Lords, that the Directors have given a positive order that an account shall be kept of the Nawab's disbursements, and that that account shall be transmitted to the Board at Calcutta, for their information. General Clavering desires that such an account may be produced. The Governor General says,—"I can spare you the trouble of desiring the account, for I am sure it has not been kept, and am almost certain that it was not ordered:"—that is,—"that I disobeyed my duty to the court of Directors by omitting to order it." This, he says, was an omission, but it was not an omission of much consequence; for these accounts never would have been intelligible if they had been produced. Upon which I shall make a remark, by and by; but he says, besides this,—"I am sure that having spent a considerable time in framing the reduction of the Nawab's establishment, so as to come within his reduced income, I had no encouragement afterwards to inquire or know anything about his disbursements." I defy any man to produce, in the defence of a man upon any charge, so strange an answer as that is, containing such an extraordinary system of reasoning. He says,—"I had so much to do, I thought it a matter of so much moment, and employed so much of my time in reducing the Nawab's expenses by estimate within his income, that I afterwards had no encouragement to inquire or know anything about his disbursements,—namely, in point of fact, whether the plan which I intended was ever carried into execution or not, and whether his disbursements did bear any proportion to his income."—He says,—"Having taken so much trouble in reducing the Nawab's expenses by estimate within his income, I never thought it worth my while afterwards to inquire whether it was within his income, or whether he exceeded it or not." I believe your Lordships would think that, if that had been stated in the charge as a substantive crime, it could not be considered as a substantive crime or

His plea that the accounts would have been unintelligible.

That he had no time to inquire concerning the Nawab's expenditure.

* Extract of consultation of the Board of Calcutta, 21st June, 1775.—Printed in the "Minutes of the Evidence," p. 983.

misdemeanour of any low or trivial class—that, when an order had come from the Directors to keep certain accounts, he had omitted to do it, and actually confesses the omission. But let me observe upon what the nature of these accounts was. If these accounts had been kept in the manner in which they ought to have been, these two consequences must have resulted from them. The first consequence has a reference to what I have been just stating, with regard to the continuation of the stipend to the Nawab beyond the time to which it ought to be continued; because, if it appeared from these accounts that the Nawab was actually spending thirty-one lacs, it would have immediately struck the government and the Directors—how can he be spending thirty-one lacs when his whole income is but sixteen? And, therefore, that prevarication of Mr. Hastings, and that disobedience to the Company's orders, in continuing the stipend till 1773, when he ought to have reduced it in 1772, would have been proved.

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Value of the accounts.

To warn the Directors of the disobedience to their orders.

But that is not the only consequence of it. He says these accounts would not have been intelligible. That he would have contrived, if he could, to make them unintelligible, I will give him complete credit; but I do not conceive that he could have so disfigured the account of the Nawab's disbursements that we should not have seen in it that which makes the substantive part of this charge. Why did he disobey them? Not merely for the sake of disobeying them, which I admit he has done upon many occasions; but for this evident criminal purpose—because he knew that, if he did transmit those accounts of the expenses of the Nawab, in those expenses and disbursements would have appeared the sum of a lac and a half to Mr. Hastings, which it would be impossible for Mr. Hastings afterwards to justify. And sure I am your Lordships will allow this is a complete and triumphant proof of the *malus animus*, of the guilt and bad intention, of Mr. Hastings in receiving the 15,000*l.*, that he afterwards did, contrary to his duty, withhold from the Company, by his omission in not ordering the account to be kept, the account of the disbursements of the Nawab, in which account it would have appeared that 15,000*l.* was given to him, which he had legally no right to accept.

To exhibit the payment of one and a half lac to Mr. Hastings.

Proof of guilt in withholding the accounts of the receipt of the money.

I will only call to your Lordships' minds, in this part of the argument, what I was obliged to state in the preceding part of it, because it was necessary to that object at that time,—I mean, Munny Begum's answers to Mr. Hastings'

Munny Begum's reference to the paper of the Nawab's accounts.

7 JUNE 1790. queries above stated. When she is asked how she came to make this charge against Mr. Hastings, why she produced this partial selection, she says,—"I made no charge; Mr. Goring had the papers." In one case she says,—"from the papers," in the other "from the record"—which mean the same thing—"these things will appear." I do contend that, in this paper, which the Company ordered to be transmitted to the Board and which Mr. Hastings omitted to order the transmission of,—that in this paper would have appeared all the disbursements of the Nawab, and, among those, the money illegally given to Mr. Hastings and illegally by him received. That accounts for his omission, which appears otherwise unaccountable; and his omission does completely prove, as I have stated, the criminal intent of the whole transaction.

Guilt inferred from Mr. Hastings' omission to forward it to the Directors.

Mr. Hastings' claim of credit for immediate reduction of the Nawab's allowance, in his letter of March, 1775.

My Lords, it will also be necessary to observe to you that, in that letter, of which I stated every word to be valuable to your Lordships,—I mean in that letter of March, 1775, in which he gives, as a proof of the disinterestedness of his conduct, his having done that which we have proved he never did, the having effected the reduction of the Nawab's stipend from the commencement of the year 1772—your Lordships will recollect, among other things, he says that plausible arguments might have been drawn for the continuation of the original stipend from the impossibility of supporting the Nawab's household without it; "but," he says, "however I might have stated it, possibly with a degree of plausibility, I would not avail myself of such a circumstance, but I reduced it immediately," and he insinuates that he thereby incurred odium—that the reduction of the Nawab's establishment must be attended with a certain degree of odium to him who performs it. But, in another place, in a letter from the President and Council of Fort William, in Bengal, to the court of Directors, bearing date the 10th of November, 1772, he expresses himself more particularly about it:—

His letter of the 10th Nov., 1772, on the same subject.

"The reduction of the Nabob's stipend and the new arrangement of his household, in consequence, was a measure equally difficult and invidious in execution, but, besides being indispensable from your orders, our sense of its wisdom and propriety made it be undertaken without delay or regret. To bring the whole of the expences of the Nizamut within the pale of the sixteen lacks, it was necessary to begin with reforming the useless servants of the court, and retrenching the idle parade of elephants, menageries, &c., which loaded the civil list. This cost little regret in performing; but the President, who took upon him the chief

share in this business, acknowledges he suffered considerably in his feelings when he came to touch on the pension list. Some hundreds of persons of the ancient nobility of the country, excluded under our government from almost all employments, civil or military, had ever since the revolution depended on the bounty of the Nabob; and near ten lacks were bestowed that way. It is not that the distribution was always made with judgment or impartiality, and much room was left for a reform; but, when the question was to cut off entirely the greatest part, it could not fail to be accompanied with circumstances of real distress. The President declares that even with some of the highest rank he could not avoid discovering, under all the pride of eastern manners, the manifest marks of penury and want. There was, however, no room left for hesitation. To confine the Nabob's expences within the limited sum, it was necessary that pensions should be set aside. It was done; and every possible regard was had to equity and the pretensions of individuals, in settling those which were allowed to remain. 7 JUNE 1790.

"The dependants of the late Naib Soubahdar were, without exception, cut off the list; and the remainder of the reduction was chiefly confined to those who were either of less pretensions or more independence of fortune than the old pensioners. In short, the whole establishment was adjusted to the Nabob's new income, beyond which, the Begum was given to understand she must not go. The general state of it was intended to be sent; but, as it may be well imagined, the minute household accounts of thirty-two lacks could not be examined by the proper officers in a few days. The President's departure pressed; they promised to send it after him; it is not yet come, but we hope to transmit it by one of the later ships."

Numerous dependants of the Nawab deprived of their pensions.

Your Lordships observe that he says, that, among other reductions, the dependants of the late subahdar were, without exception, cut off the list. You will see them stated at 1,437 men and 90 women. So that, on this account, near 1500 persons were, with a view to this reduction, cut off the list of pensioners; and I admit that to be the fact: but I wish you to consider it in the view in which I am about to state it to your Lordships. These 1,500 persons in one instance, and probably many others, were cut off from their pensions, from their subsistence, from the charity which they had from the Nawab—in many instances ill placed—but, upon the whole, in such a manner as to make the reduction fall with considerable hardship upon many persons upon whom nobody would have wished such a hardship to have fallen.

Motive for the reduction.

The Nawab's allowance not reduced till a year after.

I would observe upon this in two lights particularly. Why was all this reduction made? It was, if I understand the object of it, in order to reduce the expenses of the Nawab within the limits of his new establishment: but, though this reduction was made, he was not reduced within the limits of his new establishment till a year afterwards. Consequently, in the year 1772, these pensions were all reduced from the time of the notification of the lower esta-

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blishment from Mr. Cartier. But the establishment, as we have proved by Mr. Crofts' account, was continued till the end of it. Therefore, by Mr. Hastings' conduct in that year, this effect was produced—that the Nawab's expenses, his pensions, charities, disbursements, were all reduced within sixteen lacs, but his receipt from the English government was continued at thirty-one lacs.

The difference expended in presents to Mr. Hastings and others.

Now we have an obvious reason to state for this, and that is, the sums given to Mr. Hastings and Mr. Middleton; and these sums will answer the sums of the reduction. It appears, therefore, that the Nawab was reduced in his expenses from thirty-one lacs to sixteen, but that his income was kept up; and can we doubt that it was kept up for furnishing corrupt presents to Mr. Hastings and other servants of the Company, especially when I have proved that, at that period, Mr. Hastings did receive a present which he was not intitled to receive? What becomes of this boasted reduction? Was it with a view to the advantage of the Company? Was it with a view to put the Nawab himself in a better situation with regard to his finances, or to render him more independent and respectable? No! these pensions were not reduced, but the receivers of them were changed. What was paid to these 1,400 men and these 90 women was not reduced, but the channel in which the Nawab's bounty flowed was turned, and, instead of being paid, as they had been before, to the servants of his father, to the dependants of his family, and the persons put out of office from the changes which had taken place in Bengal, they were turned into a different channel, namely, into the pockets of the prisoner and other of the servants of the Company. He did not reduce them; but he gave them, according to his own mind, more judiciously—I do not see how he can say more impartially; for he diverted them from the purposes to which the Nawab gave them,—the procuring subsistence to the dependants of his family,—into presents to himself and Mr. Middleton, and other corrupt servants of the Company: and I defy any man to show upon what principle that establishment should subsist, except for the purpose of enabling the Nawab and Munny Begum to give corrupt presents to him.

Period of the reduction of the pensions agrees with that of the payment

There is another view in which I wish your Lordships to consider this reduction of pensions; I mean, in respect to the time when it took place. It took place at the very time at which Mr. Hastings was receiving this very present,

under colour of 2,000 rupees a day for his entertainment. We have read to your Lordships evidence, in which we have proved that the Company considered the stipend they paid their Governor was sufficient for all purposes, without any emoluments whatever; and that alone is sufficient to render this receipt of this 15,000*l.* criminal. But we have further stated that, at the very time when he was taking this stipend, he was reducing the stipends of others to a great degree of hardship, as he himself confesses, if not to a great degree of cruelty and injustice. We have proved to your Lordships this,—that Mr. Hastings did actually receive an allowance from the Company in consideration of his travelling expenses, besides the share of an allowance which he received as one of the committee of circuit; it appearing in evidence before your Lordships that there was a general allowance to the committee of circuit, of which Mr. Hastings was one, and that there was a particular allowance to Mr. Hastings for travelling expenses, amounting to between 3,000*l.* and 4,000*l.* sterling. This took away any pretence for taking 2,000 rupees, a day, from Munny Begum, and particularly under a pretence of entertainment, at a time when he was reducing with a rigid economy all the expenses of the Nawab,—at a time when he would have been furnished with a plausible excuse to defer it, on account of its hardness and cruelty.

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made for Mr. Hastings' entertainment.

Travelling expenses allowed to Mr. Hastings by the Company.

I need not urge more to prove that, in taking this sum, he was not only substantially guilty, but that there was every circumstance to prove the *malus animus;* that there was every circumstance to aggravate the taking it, by the time he took it, by the circumstances of the persons from whom he took it, and the circumstances in which he stood as a reformer of abuses respecting the Durbar, at the moment he was plundering it. To prove that this taking was corrupt, we have shown that, from this time, afterwards, in all situations, he always did retain a partiality towards this Munny Begum, and a desire for her interest,—to be accounted for upon no principle but upon this, of continuing to be in some degree her pensioner. For when the Directors approved of the removal, and there was every reason to believe would disapprove of the re-establishment of Munny Begum, in the year 1778, he did re-establish her, under all the circumstances of unfitness which we have stated; and, not a twelvemonth before leaving India, one of his last acts as the Governor of Bengal was to write a letter to the Directors in favour of Munny Begum. He states to the

Aggravation of the crime.

Partiality afterwards shown to Munny Begum.

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Subsequent non-denial of the receipt of her presents.

I have gone through most of what I had to say upon the subject of those circumstances which made the acceptance of this bribe peculiarly criminal. I must now touch, very shortly, upon a few circumstances which add to the criminality of appointing Munny Begum; which prove the bad intention, and which, undoubtedly, ought to add to the punishment, when the punishment is to come.

Additional circumstances of criminality in the appointment of Munny Begum.

I stated, in the early part of my speech, what the opinion of the Directors was in choosing a successor to Mohammed Reza Khan. I conceive that, for the purpose of proving Mr. Hastings criminal, I do enough when I show he disobeyed the orders of the Directors; and that it is not necessary for me, in every instance, to prove that he concurred in opinion with the orders of the court of Directors, and thought them as just as, I am sure, he ought to think them binding. But in this case I am able to prove that; and for that purpose I shall beg leave to read an extract of a minute:—

Mr. Hastings' concurrence in opinion with the orders of the Directors.

Minute to the Directors.

"To the Honourable the court of Directors.

"You will expect that, in the proceedings against the Begum, the strictest regard will have been paid to her honour, and every scrupulous attention observed which the delicacy of the oriental manners prescribes with respect to her sex, and her rank and character particularly demand; and that, in the choice of her successor, due consideration has been paid to the requisites for so distinguished a charge,—that his rank is such as at least may not wound the Nabob's honour, or lessen his credit in the estimation of the people, by the magisterial command which the new guardian must exercise over him, with abilities and vigour of mind equal to

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the support of that authority; and the world will expect that the guardian be especially qualified, by his own acquired endowments, to discharge the duties of that relation in the education of his young pupil, to inspire him with sentiments suitable to the dignity of his birth, and to instruct him in the principals of his religion." *

Qualifications requisite for the appointment—

I read this paper, to show that those orders of the Directors which Mr. Hastings disobeyed were, in point of fact, orders in the principle of which he did concur; because, in this letter, he has stated that he conceives the proper qualifications for an office of this kind to be the qualifications stated in the letter—to be qualifications of experience, of great acquired endowments, and of a variety of other circumstances, which he stated, I suppose, for a different purpose at that period, but it matters not for what purpose. Those endowments he states to be requisite to that office; not one of which he pretended, in any degree, to exist in Munny Begum. Has he ever pretended that she was a person of that description?—that she had abilities and vigour of mind equal to the support of great authority?—or that she was especially qualified, by her own acquired endowments, to discharge the duties of that relation in the education of her young pupil—to inspire him with sentiments suitable to the dignity of his birth, and to instruct him in the principles of his religion? Has he ever stated Munny Begum to be a person of that description or that character? He has always stated her, for grounds of compassion, to be a weak, defenceless, woman, who passed her life secluded or immured in a zanana, unknowing of the business of the world, and undoubtedly, as he has always stated, not dangerous to the Company upon that account. But, upon the very principle upon which he has stated her not to be possibly dangerous to the Company, upon the same principle he must allow her to be without those endowments which he, in concurrence with the court of Directors, states to be necessary for the office.

not existing in Munny Begum.

His own description of her.

Rejection of Yetteram-ud-Dowla as likely to prove dangerous.

I stated before, he refused the proposal of Yetteram-ud-Dowla to place him in the office. He did it upon the ground that he might become dangerous: and yet, in another minute—which, to save your Lordships' time, I do not read, but which I state to be in page 975 of your Minutes,—upon the appointment of Raja Goordass, he treats with the greatest degree of levity and contempt, as a thing impossible, not

* Letter of Mr. Hastings to the court of Directors, 14th Sept., 1775.—Printed in the "Minutes of the Evidence," p. 974.

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Subsequent repudiation of the apprehension.

Recapitulation of circumstances of aggravation.

only that Raja Goordass himself, but that any man in that situation, could be in any degree dangerous to the Company; the power of the Company and the subserviency of the Nawab being so established that it would be impossible to shake it by any means, but, if possible to shake it at all, it must be by long, progressive, acts. I urge this for showing that, when he refused Yetteram-ud-Dowla, he refused him for reasons which he thought bad; because he states, when he refused Raja Goordass, all these to be futile; and, when he disobeyed the orders of the court of Directors in not appointing a person of the description they ordered, and when he gives those reasons which, I believe, I before stated, but which are in evidence,—that it was not fit to appoint him or any man on account of the danger—that he knew better, and that he knew that the proper person was not a woman who had been originally a dancing girl and had been introduced into the Nawab's seraglio, but should be a person of acquired endowments, to discharge his duties in the education of the Nawab, to inspire him with sentiments suitable to the dignity of his birth, to instruct him in the principles of his religion, and to give him such instructions as were necessary for carrying on his government and for the business of the world. I have stated that he knew all these pretences to be false; always protesting that, if I had not proved these things, he is equally proved to be guilty, and that these are only qualifications of the *malus animus* of his guilt and aggravations of his misdemeanour.

Further aggravation.

Claim of Baboo Begum to the appointment, as mother to the Nawab.

Preference of Munny Begum, stepmother to the Nawab.

There is another circumstance which is a great aggravation in this case, and which is a great proof of his guilt,—for every concealment is an aggravation and every concealment is a proof. We have proved that there was at this time at the head of the household another woman, of a different description,—a woman who had been one of the wives of Mir Jaffier, but, without inquiring into all these anterior circumstances, a woman who had this advantage over Munny Begum,—an advantage which it is not necessary to argue, but which your Lordships will feel the moment it is mentioned, which would be felt in every country in the world, and, I am sure, not felt less in this country than another,—which was, that this Munny Begum was the stepmother to the Nawab, whereas Baboo Begum, who was at the head of the household, was his own mother. Munny Begum had been at the head of the household as long as her son, Nujem-ud-Dowla, had had the government. Upon the

death of Nujem-ud-Dowla, when it went to another son whose mother was not living, she might, for what I know, continue—I believe it is in evidence that she did continue—at the head of the household too; but, upon Mobaric-ud-Dowla coming to have the government, that of the household naturally devolved upon the natural mother of Mobaric: and, when he was giving these employments to the successors of Mohammed Reza Khan, he did not at once appoint Munny Begum naib subahdar, as Mohammed Reza Khan had been, because it would have been a matter too shocking at once to all Indian opinions, as well as to common sense, to appoint to the office of naib diwan a woman. He did not do that, but he did what was worse. In order to give her the whole power of the government, he put her at the head of the zanana, he put her at the head of the [court], he put her at the head of the household; and by so doing, did actually displace from that government Baboo Begum, the natural mother of Mobaric-ud-Dowla,—the natural person to occupy such office. He not only did this, but never mentioned his having done it; and, notwithstanding all the papers, notwithstanding all the evidence we have examined, we have proved, as far as a negative can be proved, that in no one letter, in no one information he ever gave the Company, did he ever mention the existence of any such person as Baboo Begum. He never let them know that Mobaric-ud-Dowla had a natural mother then living, well knowing that, the moment the name of such a person appeared, the impropriety of the appointment of Munny Begum must appear too glaring in the face of the world, and could not stand without reprobation and condemnation, even for a moment.

His concealment of the claims of Baboo Begum from the Directors.

My Lords, I have now done—except a short observation—with this part of the charge. I shall only recapitulate in a minute what is necessary for understanding me more clearly than, I am afraid, I have been able to express myself; and that is this,—that we have proved substantively that he did take 15,000*l.* which he ought not to have taken. We have proved substantively, too, that he appointed Munny Begum contrary to the orders of the Directors, and brought other circumstances to prove the *malus animus* with which he did this, and that he was conscious at the time of the mischiefs that would, in some instances, ensue, and conscious of his guilt; which we prove by a variety of concealments and false accounts which I have stated to your Lordships.

Recapitulation. Charge of taking 15,000*l.* Appointment of Munny Begum.

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Proof of receipt of the two lacs.

Your Lordships will observe that I have not said one word to your Lordships upon the subject of the two lacs, because although we have undoubtedly charged three lacs and a half, all the positive proofs I have stated go to one lac and a half, and to one lac and a half only. But it cannot escape your Lordships that all those additional circumstances which I have brought afterwards, in order to aggravate the taking one lac and a half, and in order to show his consciousness of guilt in so doing, as well as all the circumstances connected with Nundcomar's accusation, and his demeanour upon that accusation—all tend, though not to prove by his admission, yet to prove substantially that the whole of Nundcomar's accusation was true, and that he did receive the two lacs as well as the one lac and a half, which we contend he has, by implication, admitted. But I have rested the less upon that subject, because, though I do think it completely proved, as far as anything can be proved by a variety of strong presumptions, yet, as he has never directly or by implication admitted it, and as I do conceive that your Lordships know too much of the nature of criminal judicature to think that there can be any great difference in the degree of the enormity of the crime, whether he received one lac and a half or three and a half, I have laid the less stress upon this subject, and mean to dismiss the first part of the accusation, conceiving myself to have completely proved the first part of the sixth Article, to have proved the guilt of the prisoner, and to have proved circumstances for aggravating to a great degree the guilt I have before proved.

Reasons for having less insisted on the proof.

My Lords, I have now observed to your Lordships upon the whole, I believe, of the evidence which was submitted to your Lordships last year; always at the same time begging an indulgence for any omissions that I may have committed, and desiring it to be understood that, if there is any part of that evidence which appears to your Lordships material, you will not consider it less so, because, either for want of judgment or want of memory, I have omitted to state it and draw your Lordships' attention towards it. I now come to the evidence which has been laid before your Lordships during the present session of Parliament.

Evidence produced during the present session.

The presents to which the evidence of this session goes, stand, in one view, in a different predicament from those which we have stated before. That difference is so obvious that I need hardly state it to your Lordships, as it principally consists in an Act of the 13th of the King, which was subse-

Relates to presents received subsequent to the Act prohibiting them.

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quent to the presents I have stated and anterior to those I am now about to state to your Lordships. That Act does directly, unequivocally and clearly, prohibit the accepting any gifts or presents, by himself or by his agents, to any servant of the Company whatever. And I conceive that to be so clear that I shall use no argument upon the subject, in this place and at this stage of the business; because the words convey that sense so clearly, upon the face of them, that anything that I might say in support might rather take away from the effect than strengthen it. If it should be disputed hereafter by others, it will be for me to observe upon the construction of that Act.

The Act so construed by Mr. Hastings himself.

Though I know it to be a principle of law—and it is a wise principle, however harshly it may sound—*ignorantia legis non excusat*, yet at the same time there is something in that principle, when carried to its utmost limits, that sounds so harsh to the ears of persons who do not hear it explained, that I am always sorry when I am forced to avail myself of it, and am happy in this case, when I can prove, not only that the Act has been so construed by the Directors, but also that it has been so construed by Mr. Hastings himself. And the Act was to be obeyed by their servants, in the sense in which it was construed by their masters; it being always laid down as a point of law in this country, by the Act of King William, that the servants of the Company are bound to obey their masters.

The nazr, or small present from an inferior to his superior.

Doubt respecting the prohibition of nazrs by the Act.

The first evidence, therefore, that I shall take notice of to your Lordships is one that was given to you on the last day of your sitting, I mean on Wednesday last. The transaction was this:—there was, it seems, a custom in India that every inferior approaching a superior approached him with a present. These small presents are called nazrs. When the Act of Parliament passed, it was a doubt with some persons—in my opinion a doubt very ill-founded—whether that Act prohibited these nazrs, together with all presents of other kinds, provided they were brought to the account of the Company. Fortunately upon this subject we have a decision; for, in the commencement of the government which was made in consequence of the Act of Parliament, in the commencement of that government, which consisted of Mr. Hastings, General Clavering, Colonel Monson, Mr. Barwell and Mr. Francis, when a new order of things arose in India, and when those three excellent men,—two of whom are no more, and one of whom, in my opinion, will derive eternal

Encomium on Gen. Clavering, Col.

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Monson, and Mr. Francis.

honour from his conduct in that country,—I mean when General Clavering, Colonel Monson and Mr. Francis, went to India, and when it pleased God not to inflict that greatest misfortune that could have fallen upon this country, if, by any accident, their arrival in that country had been defeated by any means whatever,—I say that, when they arrived in that country, for the blessing of this, and ultimately, I hope, for the happiness of that, and by their arrival led to every reformation that has been produced in India since, and to every chance that there is of governing that country with justice, and to the credit and honour of this, in future,—when they arrived in that country and when the new government began, their conduct was different upon the subject of these nazrs.

Their rejection of nazrs.

General Clavering, Mr. Monson and Mr. Francis, thought it right to refuse them altogether and to except no nazrs whatever. Mr. Barwell considered them so trifling that he thought it would be rather ostentatious giving them up to the Company, and decided for taking them themselves. Mr. Hastings took a middle course; he says,—"I will receive these nazrs, but not for myself. I receive them for the Company." And he actually produced them, as is proved in evidence, sealed up in a bag, to be carried to the account of the Company, till they should have the further opinion of the Company upon the subject.

Mr. Hastings' reservation of them for the Company.

Order of the Directors for refusal of nazrs.

This transaction being stated to the Company, the Directors were clearly of opinion that the majority, who had refused these nazrs, had done right, and directed that that should be the mode followed for the future. The more inconsiderable these nazrs were, the stronger for my argument, which goes for the purpose of establishing the sense of the Company with regard to the proper construction of the Act of the 13th of the King.

Interpretation of the Act as prohibiting presents, even on account of the Company.

It appears by their conduct upon this occasion that they understood the Act as I understand it, as, I believe, the Legislature has always understood it, and as, I think, every man of common reading and common understanding must understand it, namely, that the Act is not merely a prohibition to the servants of the Company from taking money and keeping it to their own use, but a prohibition from taking money, however they may design to carry it afterwards to the account of the Company: and it is fortunate that the decision was in a case of very small sums, in a case where the intent was clear,—where Mr. Hastings meant from

the very moment he received them—and he proved his meaning clearly—to bring the sums to the account of the Company. There the Company so far disapproved his conduct, that they approved of the conduct of the majority who refused taking them at all: from whence I take it to be clear and unanswerable, that the opinion of the Company was that the Act peremptorily prohibited taking any sums privately, though the intent was afterwards to carry them to the account of the Company, and where there could be no suspicion of the servant of the Company having any intention whatever to embezzle them.

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So understood by the Company.

Having shown this to be the Company's opinion, we can also show it to be Mr. Hastings' opinion. In a letter to Colonel Champion, soon after the passing this Act, in the case of a donation intended to be given to the army by the Wazir, he speaks of several objections to that donation; but he says,—

Similar opinion held by Mr. Hastings.

"While we were considering these objections, we thought of recurring to that Act and that Act cut us short, for upon reading that Act, we found the acceptance of this money to be absolutely impossible, illegal, on our parts;"*

And he doubts, even in subsequent parts of that letter—which letter is before your Lordships—whether even the Company could legalise their taking that sum, and whether they must not have recourse to Parliament for the purpose, at any time or in any way, of gaining that donation. It is true that in that letter, afterwards, he suggests a kind of expedient. The expedient he suggests is this—"Let the money be taken; let it be given to the Company; let there be a record of what each man's share is; and then let the court of Directors decide, if the court can decide; or let them apply to Parliament to give that money to you, or to whom they shall think fit to give it."

Expedient suggested by him.

I wish your Lordships to keep in mind, during these transactions, what a very different line of conduct he gave in advice to Colonel Champion from that which he pursued himself. If he had advised Colonel Champion to act as I am about to prove he acted himself in subsequent times, he would have said,—"take all this money; conceal the receipt of it; take bonds or what you please for it; inform the

Difference of conduct afterwards pursued by him.

* The substance of this extract is contained in the letter of Mr. Hastings to Col. Champion; dated 31st August, 1774.—Printed in the "Minutes of the Evidence," p. 970.

7 JUNE 1790. Company of it at your leisure, and let them decide upon whether it is your property or theirs." In my opinion, he gave that gentleman much better advice than he ever afterwards followed himself. He gave him advice that his whole conduct ought to be public, and, if he had any hope of getting it for the army, the way was, by at once depositing the whole money in the Company's treasury, and afterwards having the opinion of the Company, whom he seems to think hardly sufficient for the purpose, or to have the opinion of Parliament, upon the proper distribution of it.

Sense of the Act.

I have stated to your Lordships the principal grounds upon which I think it is perfectly clear that the Act of Parliament did that which it undoubtedly professes upon the face of it to do,—peremptorily to prohibit all presents and all private receipts of money whatever; and I have proved that to be the sense, not only of Mr. Hastings, which is not in my opinion so material, but that it was the sense of the Company, whose sense he was bound to obey and to pay respect to.

Documents proving Mr. Hastings, acceptance of such presents.

The next thing I have to do, is to point out to your Lordships those documents which will prove to you that such presents, in point of fact, he did accept. I will state the presents we charge and the documents by which they are proved, rather in order of the charge than in order in which they will come by and by.

Three lacs received from Nobkissin, in 1783.

We charge that he took a present of three lacs from Nobkissin, in the year 1783; which is completely proved by his letter from the Ganges, of the 21st of February, 1784, in which he expressly says that he received that present.

Presents from Dinagepore and Nuddea, for which he took bonds.

We then prove that he accepted three presents for which he took bonds; two, of one lac 16,000 [rupees] each from Dinagepore, and one from Nuddea, of one lac 74,000 [rupees]. These presents are part of the 200,000*l.* charged in the Article; and we contend that we have proved these presents by the letters and documents attending them, transmitted by Mr. Hastings—his letters of the 22d of May and 16th of December, 1782, and Mr. Larkins' letter of the 5th of August, 1786, and by his manuscript Defence at the bar of the House of Commons. I do not trouble your Lordships at this period to refer you particularly to those papers. You will give me credit for asserting that in those papers these presents are completely proved by his direct avowal and admission of having accepted them.

Then, we prove a present of two lacs from Sadanund; and this we prove from Mr. Larkins' letter of the 5th of August, 1786, and from Mr. Hastings' Defence at the bar of the House of Commons. 7 June 1790. Two lacs from Sadanund.

We also prove a sum, received from Kelleram, of two lacs 21,000 rupees, and also a present received from Nundulul of 58,000 rupees, by Mr. Larkins' letter of the year 1786, by Mr. Hastings' letter of the 22nd of May, his Defence before the House of Commons, and his admission, indeed his Defence, before your Lordships. Presents from Kelleram and Nundulul.

And we prove a present of ten lacs of rupees from the Wazir, by his letter of the 20th of January, 1782, and his Defence in the House of Commons, and by Mr. Larkins' letter. Present from the Wazir.

My Lords, I beg leave to state to your Lordships that, from those documents to which I have alluded, the receipt of all these presents is completely proved, by that most complete of all proofs—the admission of the person to whose charge it is laid. It is completely proved by Mr. Hastings that he received all these sums I have stated; and, if I were to sit down at this moment and were not to offer a tittle of further proof upon this subject, I conceive that I have a complete right to insist upon your Lordships finding Mr. Hastings guilty of a misdemeanour, for having received presents contrary to the sense of the Act, contrary to the interpretation of the Act by the Directors, and contrary to his own sense of the just interpretation of that Act. Admission of receipt by Mr. Hastings.

But, my Lords, in this instance I shall do as I did in the foregoing instance, I shall take the liberty of making some observations to your Lordships, in order to show you that these presents were not merely received in disobedience to the Act of Parliament, that they were not merely criminal in the way in which I have hitherto stated them to be criminal, but that they were corruptly taken, in the literal sense of the word—corrupt, and that they were taken in such a manner as clearly to prove to your Lordships the corrupt design he had in taking them. And, as a medium of such proof, I shall principally rely—though upon other circumstances also—upon the various accounts given of these presents by him, so contradictory in some instances, so vague in others, so tending to deceive almost in all, as could not be the account of a man who felt clear in his conscience, and who thought he had done no wrong by disobeying the law. The presents corruptly taken. Proof in his accounts of the presents.

x 2

7 JUNE 1790.

Mr. Hastings' letter from Patna, 20 January, 1782.

My Lords, the first document to which I think it necessary for your Lordships to advert is the letter from Patna of the 20th of January, and which I will read to your Lordships at length.

"Patna, 20th Janury, 1782.

"Honourable Sirs, while the Nabob Vizier was at Chunar, an offer of a very considerable sum of money was made to me, both on his part and on that of his ministers, as a present. I accepted it without hesitation and gladly, being entirely destitute both of means and credit, whether for your service or the relief of my own necessities. This donation was not made in specie but in bills, which have been in part only and tardily realized, being drawn on the house of Gopaul Doss, who was at the time a prisoner in the hands of Cheit Sing. The remainder is in course of payment, and I make no doubt of its being paid. What I have received has been laid out in the public service; the rest shall be applied to the same account. The nominal sum is ten lacs of rupees of the currency of Oude. As soon as the whole is completed I will transmit to you a faithful account of it, resigning the disposal of it entirely to the pleasure of your honorable court. If you shall adjudge the deposit to me I shall consider it as the most honorable approbation and reward of my labours, and I wish to owe my fortune to your bounty.

"I am now in the fiftieth year of my life. I have passed thirty-one years in the service of the Company, and the greatest part of that time in employments of the highest trust. My conscience allows me boldly to claim the merit of zeal and integrity; nor has fortune been unpropitious to their exertions. To these qualities I bound my pretensions. I shall not repine if you shall deem otherwise of my services; nor ought your decision, however it may disappoint my hope of a retreat adequate to the consequence and elevation of the office which I now possess, to lessen my gratitude for having been so long permitted to hold it, since it has, at least, enabled me to lay up a provision with which I can be contented in a more humble station." *

Conveys intelligence of the present from the Wazir.

My Lords, you will observe that this letter of Mr. Hastings purports to give early intelligence with respect to this present which he has received from the Wazir, part of which, he says, he has appropriated to the Company's service, but which, in effect, he desires the Company to give to him.

Statement that the present was taken in bills not then wholly realized.

The first thing that will strike your Lordships upon this letter, if you have compared it with the evidence before you, is a very singular circumstance in it, which undoubtedly is literally true, but, if ever there was a literal truth which conveyed a substantial falsehood, it is that to which I allude. He says,—"This donation was not made in specie but in bills, which have been in part only and tardily realised."—This letter is dated the 30th of January; this letter did not leave India till the month of February; and we have proved, that before the 20th of January, out of ten lacs, nine

The greater part had been paid.

* Printed in the "Minutes of the Evidence," p. 1112.

lacs and 60,000 rupees had been actually paid upon this present. Now, undoubtedly, I cannot contend with the defendant that ninety-six is not a part of a hundred; but I do not believe that any man, meaning to give a fair account of any transaction, ever stated it as an argument why a present should be given to him, that it was a matter of uncertain value, as if it was a doubt whether it would be realised because it was tardily realised, when it was realised in the proportion of ninety-six out of a hundred.

There are also, with regard to this letter, some circumstances upon which it may be worth while to observe. This letter was written, according to its date, at Patna, January the 20th. It left Calcutta in February. It was not transmitted to the court of Directors by the usual channel, but through his agent, Major Scott. Upon that, there did suggest itself to many persons some doubt whether Major Scott might not have had conditional directions to give it or not, according as he should find the situation of things in England propitious or unpropitious to Mr. Hastings. Undoubtedly, however, Major Scott has sworn, and we must believe it, that he had no conditional orders upon that subject. But I make use of this argument to show that the letter was not sent away so soon as the 20th of January. The probable reason of its being sent in that unusual and irregular way was, that it was sent after the despatches of the Company were made up, which were not made up till considerably subsequent to this date,—till after Mr. Hastings' arrival at Calcutta, which was, I believe, in February. In his letter, which we shall hereafter refer to, of May, 1782, he says he had already informed the Company of this letter by duplicate, and then encloses a triplicate.

Circumstances of transmission of the letter through Major Scott.

Not sent so early as the 20th of January.

We have had some examination, on a former day and on this day, whether any duplicate of this letter was ever received; and, I think, we have informed your Lordships that no duplicate ever was received, except from Mr. Hastings' assertion. I do not mean to lay much stress on that circumstance, but it is a singular circumstance that that duplicate never should arrive; and, if there could be any suspicion that there was some reason for sending this letter through the hands of Major Scott rather than in the usual channel, that suspicion must be increased, when it appears there was no other copy of the letter sent by any other channel.

Assertion of a duplicate being sent.

None received.

This letter having been read, I should like to state some circumstances relative to it, though they belong, undoubtedly,

7 June 1790. to other letters. I wish your Lordships also to advert to the letter which has been read to you for another purpose, and that you will consider it separately from the other paper; and I question very much whether your Lordships will find therein a thing which has been stated to be therein frequently, but which I never could find,—I mean a promise of giving an account to the Company of all the moneys he had received privately. I do see a promise distinctly that he will give an account of the money paid by the Wazir, whenever the payment of that has been completed; but I do not see anything which can be construed by inference to imply, either by the spirit or letter, a promise to give the Company an account of any other sums which he has received privately, or, indeed, to allude to any such sums in reality. Speaking of this letter, he says—as distinguishing from the other presents,—

Statement of promise to give an account.

"But when fortune threw a sum in my way of a magnitude [which could not be concealed, and the peculiar delicacy of my situation at the time in which I received it, made me more circumspect of appearances, I chose to apprise my employers of it, which I did hastily and generally: hastily, perhaps, to prevent the vigilance and activity of secret calumny; and generally, because I knew not the exact amount of the sum of which I was in the receipt, but not in the full possession. I promised to acquaint them with the result so soon as I should be in possession of it; and, in the performance of my promise, I thought it consistent with it to add to the account all the former appropriations of the same kind; my good genius then suggesting to me, with a spirit of caution which might have spared me the trouble of this apology, had I universally attended to it, that if I had suppressed them, and they were afterwards known, I might be asked what were my motives for withholding part of these receipts from the knowledge of the court of Directors,] and informing them of the rest." *

Communication to the Directors to prevent calumny.

He states that he acquainted the court of Directors with this—as he says—"hastily, to prevent calumny." I wish your Lordships would attend to that opinion of his upon this letter, in order to see whether he has in general pursued the mode of avoiding calumny, and whether he has thought it in general requisite hastily to give an account of any money which he has received. As for the other part for which he apologises, that the account is general, that is true; but perhaps it is less applicable to this account than any other, as it contains more particulars than most of them; and there is this particular circumstance attending it,—that, though he

Apology for the account being general.

* Extract from letter of Mr. Hastings to the chairman of the court of Directors, dated Cheltenham, 11th July, 1785.—Printed in the "Minutes of the Evidence," p. 1151.

states it to have been received for the benefit of the Company, he fairly confesses that the ultimate destination of it is to himself, and requests them to adjudge it to him. 7 June 1790.

The Nawab in distress at the time of the present.

We have in full proof before your Lordships that, at the tim of the treaty of Chunar,—at the time when this present was made,—the Nawab was in circumstances of distress, which Mr. Hastings has stated in strong terms. This was in evidence to your Lordships upon the second charge of this impeachment. And is it possible, and can it be conceived, that he who takes a sum of ten lacs from a prince actually in the greatest distress possible,—a distress which he conceives to be sufficient to justify him in plundering his nearest relations,—a distress which he conceives to be sufficient to justify the resumption of all the jagirs he had ever granted, and the plundering of all the treasures of the zanana of his mother,—could Mr. Hastings innocently—could he, without a guilt which requires no aggravation whatever, take a present of 100,000*l.* from a person so distressed, not for the Company's benefit but for his own benefit, intended for his own benefit by himself, for he does expressly desire that the deposit may be adjudged to him? Then the plundering of the Begums! the resumption of the jagirs! all the difficulties in which the Nawab was placed, all the dangerous experiments to which he was reduced! If the Company had done as Mr. Hastings desires and adjudged the deposit to him, as far as 100,000*l.* went, all these enormities would be committed, not to fill the treasury of the Company, but to fill the pocket of the defendant; and then it would have appeared clear, if the Company had granted it him,—which, undoubtedly, is clear for the purpose of crimination at this moment,—that all those violences which are stated in the second charge were all for the benefit of the criminal at your bar; that all the enormities proceeding from those violences, and those acts which were settled at the treaty of Chunar, were, as far as 100,000*l.* goes, for the purpose of enriching an individual, and not for discharging the debts of the Nawab due to the Company.

His resumption of the jagirs to meet his difficulties.

Mr. Hastings' expectation of retaining the present.

I stated this present first, partly on account of its magnitude, and partly on account of its dissimilitude in many other respects from the others: it will be impossible for me to avoid alluding to it in the detail of the other presents. I will now read to your Lordships the first letter which Mr. Hastings ever wrote upon the subject of these sorts of presents and of this species of resource. There is much in

Letter of Mr Hastings on the subject of the presents, 29th Nov. 1780.

7 JUNE 1790. the letter which is not to the immediate subject, and that I shall skip in reading it. I hope your Lordships will give me credit that I do not omit anything which would be material in any way to invalidate what I state:—

* "Fort William, 29th November, 1780.

His offer of a loan to the Council.

"Honorable Sirs,—You will be informed by our consultation of the 16th of June, of a very unusual tender which was made by me to the Board, on that day, for the purpose of indemnifying the Company for the extraordinary expence which might be incurred by supplying the detachment under the command of Major Camac in the invasion of the Mahratta dominions, which lay beyond the district of Gohud."

Then there comes something political; upon that subject he says—

"The subject is now become obsolete, and all the fair hopes which I had built upon the prosecution of the Mahratta war,—of its termination in a speedy, honorable, and advantageous peace, have been blasted,"—and so on.—"My present reason for reverting to my own conduct on the occasion which I have mentioned, is to obviate the false conclusions or purposed misrepresentations which may be made of it, either as an artifice of ostentation or as the effect of corrupt influence, by assuring you that the money, by whatever means it came into your possession, was not my own; that I had, myself, no right to it; nor would nor could have received it, but for the occasion which prompted me to avail myself of the accidental means, which were at that instant afforded me, of accepting and converting it to the property and use of the Company. And with this brief apology I shall dismiss the subject."

I mention this by the way, as a particular instance of that perverse, or rather inverted, mode of reasoning in which the defendant has differed, I believe, from any other person who ever wrote or who ever reasoned upon similar subjects.

His intention to obviate misrepresentations.

"My present reason for reverting to my own conduct on the occasion which I have mentioned, is to obviate the false conclusions or purposed misrepresentations which may be made of it, either as an artifice of ostentation or as the effect of corrupt influence!" How was he to obviate this? I should conceive the only means of obviating this would have been by maintaining that it was not ostentatious but was true; that it was not the effect of a corrupt present but that it was his own money; but he thinks he obviates all these "false conclusions and purposed misrepresentations,"

Admission that the money was not his own.

by assuring them that the money, by whatever means it came into their possession, was not his own; that he had no right to it, nor would nor could have received it, but for the occasion which prompted him to avail himself of the

* The letter is printed in the "Minutes of the Evidence," p. 1103.

accidental means, which were at that instant afforded him, of accepting and converting it to the property and use of the Company. "And," he says, "with this brief apology I shall dismiss the subject." 7 JUNE 1790.

Mr. Hastings, upon a doubt whether a sum of money should be appropriated to a particular service, states to the Board, as he says, not ostentatiously at all—" if the expense deters you, then I will defray it out of my own pocket." How does he intend to defray it? By money which he receives corruptly, contrary to the Act of Parliament. It then occurs to him that this may be misrepresented against him. How? He says, it may be stated as "an artifice of ostentation." It was an artifice of ostentation; for if I know what can be described to be an artifice of ostentation, it is to pretend to do that generously, magnanimously and liberally, out of my own pocket, which I do out of the pockets of others, and which contains no magnanimity, generosity or liberality, at all. Disclaims ostentation.

"To obviate the false conclusions or purposed misrepresentations which may be made of it, either as an artifice of ostentation or as the effect of corrupt influence. I now tell you, to guard against these corrupt mispresentations,"—what?—" that both these are true representations; that it was an artifice of ostentation and corruption; for it is money I have received and which I have no right to, for it is your money and not mine!" By this he completely avows the acceptance of this present, and states it to the Directors, as he says, for the purpose of repelling misrepresentations which are thereby proved to be true representations; and, for disclaiming all ostentation, he makes this pompous declaration, which is the greatest ostentation that any man ever was guilty of. Avowal of acceptance of the present.

"Something of affinity to this anecdote may appear in the first aspect of another transaction, which I shall proceed to relate, and of which it is more particularly my duty to inform you." His reference to another transaction.

I beg to pause here for a moment. What does he mean by "something of affinity to this anecdote may appear"? Is it not, in the common sense of the word, thus to be construed?—" I now proceed to a transaction in which, in some circumstances, you may see an affinity to this, but which is in reality unlike it." Is not that the fair meaning and the fair interpretation of these words? I will take that for a moment to be the interpretation of these words; I will afterwards go into the supposition of their bearing another interpretation.

7 June 1790. This interpretation of the words is justified by the subsequent part of the letter—"something of affinity to this anecdote may appear in the first aspect of another transaction, which I shall proceed to relate, and of which it is more immediately my duty to inform you." Then he mentions that he has been very desirous of giving some assistance to Moodagi Boosla and Chimnagi Boosla; he states the service which Moodagi Boosla had been of and might be of to the Company, and that it might be fit to give him some succour. He says,—

Assistance to the minister of Berar.

"We had neither money to spare, nor, in the apparent state of that government in its relation to ours, would it have been either prudent or consistent with our public credit to have afforded it. It was, nevertheless, my decided opinion that some aid should be given, not less as a necessary relief than as an indication of confidence and a return for the many instances of substantial kindness which we had, within the course of the last two years, experienced from the government of Berar. I had an assurance that such a proposal would receive the acquiescence of the Board; but I knew that it would not pass without opposition, and it would have become public, which might have defeated its purpose. Convinced of the necessity of the expedient, and assured of the sincerity of the government of Berar from evidences of stronger proof to me than I could make them appear to the other members of the Board, I resolved to adopt it and take the entire responsibility of it upon myself. In this mode a less considerable sum would suffice. I accordingly caused three lacks of rupees to be delivered to the minister of the Rajah of Berar, resident in Calcutta."

Three lacs given to the Raja of Berar's minister.

This, he says, may bear some affinity to the money which he offered on his own account in the summer. He says that he ordered three lacs of rupees to be given:—

Two thirds raised by his own credit.

"Two thirds of this sum I have raised by my own credit, and shall charge it in my official accounts; the other third I have supplied from the cash in my hands belonging to the Honourable Company. I have given due notice to Moodajee Boosla of this transaction."

Comparison of the two statements.

Now, you will please to observe the statement of the first and the statement of this second, which "bears an affinity" to it. In the first he states,—"I did receive money which was not my own. I pretended that it was my own, but beg you will not consider that as an artifice of ostentation, for it was not my own, and I will some time or other pay it you." Observe, he does not tell the Company from whom he received it, the date of his receiving it, nor any circumstance that will give them a means of checking the truth of his assertion. "Now," he says, "here is a circumstance that bears some affinity to it: I gave three lacs upon another service; but, though it bears an affinity, yet there is a

Silence as to whom the sum was received from.

Statement of the second transaction.

substantial difference; for, of this, two thirds were raised upon my own credit, and one third was cash of the Company's in my hands. Now, if there can be any sense to be drawn from these words, and if you can allow anything to be inferred from the contents of my letter, and from the different parts of it compared together, you must infer from this that this money was yours, though I pretended it was mine. Something of affinity may appear in another transaction, which I therefore will give you an account of; that is to say, I will tell you of the other transaction, that that, in point of fact, was my own money: and I do it because there was an apparent affinity; for, if I had not explained this to you, and you had heard I supplied Colonel Camac with a sum of money, and it turned out not to be my own but yours, when I sent a sum to Chimnagi Boosla you would think it also your money and not my own; therefore I tell you that these two thirds I raised upon my own credit, and one third only was yours." 7 June 1789.

Now, before we go into other business, it will be material to state the event of these two sums of money, the greater of which he states to be his own, and the smaller belonging to the Company; because, acquainted as your Lordships all are with the character and conduct of Mr. Hastings,—acquainted with all the various eccentricities belonging to it,—I believe you will think that the end of this business is more extraordinary, more whimsical and fanciful, if I may be allowed to use such an expression upon such an occasion, than, possibly, any persons can conceive who have not heard the precise evidence. He says,—"two thirds are my own, one third is the Company's." What do you think is the present state of these two sums? The present state is, that Mr. Hastings has confessed that these two thirds, which he said were raised upon his credit, are not his but the Company's, and accordingly he paid them to the Company; and that the one third, that he said was the Company's, was his own, and he took a bond from the Company for it. That is the precise state of the case which we have proved upon this occasion, and of which I shall point out the proof.

State of the case respecting the two sums.

Confession of Mr. Hastings that the two thirds belonged to the Company, and the one third to himself.

Of these sums and of these notes we find no other mention till his letter of May 1782; upon which, and upon the date of which, it is necessary for me to make one or two observations. Mr. Hastings, in January, 1782, had stated his present from the Wazir, of which he promised, when completed, to give a more detailed account. By Mr.

His letter of May, 1782.

7 June 1790.

Omission of promised account respecting the present from the Wazir.

Larkins' letter of the 5th of August 1786, it appears that this promise, which Mr. Hastings had given, of explaining more particularly this 100,000*l.*, had entirely escaped his memory. There is something in Mr. Hastings, upon all subjects of money, so peculiarly magnificent, that I am never surprised at anything escaping his memory upon that subject. But the most remarkable part of this transaction, when you compare his letters, is that, even supposing it to be his object never to state one article right, never to give two accounts alike, one may be rather surprised at the exactness of his memory upon the subject. But Mr. Larkins says—page 1153 of the printed Minutes,—

Mr. Larkins' evidence.

"Mr. Hastings returned from Benares to Calcutta on the 5th of February, 1782. At that time I was wholly ignorant of the letter which, on the 20th January, he wrote from Patna to the secret committee of the honorable court of Directors. The rough draft of this letter, in the handwriting of Major Palmer, is now in my possession. Soon after his arrival at the Presidency, he requested me to form the account of his receipts and disbursements, which you will find journalized in the 280th and 307th pages of the Honourable Company's general books, of the year 1781–2. My official situation as accountant-general had previously convinced me that Mr. Hastings could not have made the issues, which were acknowledged as received from him by the accounts of some of the paymasters, to the army, unless he had obtained some such supply as that which he afterwards,—viz., on the 22d May, 1782, made known to me; when I immediately suggested to him the necessity of his transmitting that account which accompanied his letter of that date; till when, the promise contained in his letter of the 20th January had entirely escaped his recollection."*

Mr. Larkins immediately suggested to him that it would have been as well if he had sent the account which he had promised: and Mr. Larkins does not use such an expression himself, but Mr. Hastings, somewhere else, says—that his good genius suggested to him to accompany that promise with something else which was part of the spirit of it,—that is, he says, to give an account of all the other sums of money which he had ever received on his own account, and which he had afterwards made over to the public. In his letter of the 22d of May 1782, he states the dates of the bonds.

It has appeared in evidence before your Lordships that, in the interim between the letter which I read, of November, and the letter which I have been now stating to your Lordships, this had happened,—that Mr. Hastings stated to the

* Extract of letter of Mr. Larkins to the chairman of the court of Directors, dated 5th August, 1786.—Printed in the "Minutes of the Evidence," p. 1153.

Board that he had given the Company such sums of money, and desired bonds for them. Two of those bonds are described here, one for one lac 16,000 [rupees], the other for one lac 16,000 [rupees], and the numbers here described are 1570 and 1539. There was another number, 89, for, I believe, one lac or thereabouts, which Mr. Larkins tells you, in his letter afterwards, has been completely liquidated,—paid to Mr. Hastings and his agents; and for which Mr. Hastings has never accounted to the Company.

7 JUNE 1790.

Bonds desired of the Company for sums given them.

With regard to these two bonds, they certainly tally; and, as they are stated to be so in Mr. Larkins' letter, I suppose and believe them to be these two sums, amounting to two lacs, which he says he borrowed upon his own credit. He now took bonds for them of the Company, which bonds he cancelled, and upon the cancelling of which I shall have something to say, by and by.

Two of the bonds cancelled.

The third, which he confessed was originally the Company's money, and for which he took a bond, number 89, he makes no mention of in any letter, nor do we ever hear of it again but in Mr. Larkins' letter of the 6th August, 1786, in which he says distinctly that that bond, No. 89, was completely liquidated in the terms of that loan, and liquidated to Mr. Hastings. Therefore I have completely shown to your Lordships the documents from which you can understand that which I stated to be so whimsical an end of this business. After saying that the two sums for which he took bonds were his own property and the third theirs, it has ended that the two which he declared to be his own property were theirs, and his paying them those two; and never giving any account of the third which he confessed to belong to them.

The third bond liquidated.

With regard to this letter of 1782, in which this account of these bonds came, it is liable to many observations. First, as to the date of this letter. It was written in May 1782; it did not leave Calcutta till the 16th of December of the same year. Mr. Hastings thinks the date is liable to so many objections, that Mr. Larkins makes an affidavit, by which he states that the letter was written at the time at which it purports to be written, and that it has been unopened ever since. I cannot help observing upon this affidavit and upon the probability of its being the truth. Why does Mr. Hastings care whether his letter was written on the 22d of May, or on the 16th of December? The reason he gives is this—because he was afraid lest these discoveries

The letter of May, 1782, not despatched till the 16th of December.

Affidavit of Mr. Larkins.

Motive of Mr. Hastings for wishing it to be be-

7 JUNE 1790. should be supposed to be in consequence of what happened in Great Britain at that time. There certainly did happen material events in Great Britain at the time he speaks of. There were changes in administration, and a variety of circumstances which might lead Mr. Hastings to think that there would be a more minute investigation into his conduct. His stating this circumstance in the way he states it,—his stating the fears lest it should be supposed that his letter was written in consequence of that change,—is such a tribute of applause to the administration which his Majesty took to his government in the spring of 1782, that it would be very unfit for me, who formed a part of that administration, to make any comment upon it, but this,—namely, that Mr. Hastings thinks it very important for his honour that it should be understood that he had written all this disavowal before he had any notice of the change in administration which happened in England at that period. How does he support all this? Larkins swears that this letter was written on the 22d of May, 1782. The ship by which it was to come, it seems, did not sail; but it is proved completely by Larkins that there was another ship, called the Resolution, which did sail with despatches and was actually put back, and that the letter might have gone by her. If Mr. Hastings thought it material that an account of his conduct should have come speedily, he might have taken the advantage of sending by that ship.

lieved it was written on the 22nd of May.

His fear of a minute investigation into his conduct.

But it may be said that Mr. Hastings, not knowing of these changes in Great Britain, and knowing of the resolution of the House of Commons against him which passed in the spring of 1782, did not see at that time any urgency for sending this letter. But he did see the urgency, because, respecting a letter from Patna three months prior, he says,—"I wrote that letter hastily, for fear of calumny." Therefore that fear of calumny, which impelled Mr. Hastings to give that hasty account of the bribe from the Wazir, ought to have operated to have induced him, not only to write the letter of the 22nd May, which his good genius Larkins suggested to him, but to send it at the time it was written, and not at a subsequent period. However, he sends this letter on the 16th of December, accompanied with another of the true date, the 16th of December; and in that letter he states these bonds in the way I have mentioned, making no mention of the third, but introducing into its room another bond of one lac

Letter of the 16th December, 1782.

Mention of a bond different from

74,000 rupees, which does not tally with the sum which he stated to be of the Company's in his hands, and which does not tally with any other account upon the occasion, nor with the bond which he took in January, nor with the number, being 1,300 and odd, instead of 800 and odd, and being for the sum of one lac 74,000 rupees, instead of for one lac. 7 JUNE 1790. the third bond.

With respect to the dates of these letters, there are some other very peculiar facts, which are very well worth your Lordships' consideration. This letter is written, as Mr. Larkins swears and as Mr. Hastings says, on the 22d of May, 1782. It does not leave Calcutta till the 16th of December; but its contents are worth attention. The letter he sends contains this,— Dates of the letters.

"An account of sums received by the Honourable Company, or paid to the treasury by their order. The following sums were paid into the treasury, and bonds granted for the same in the name of the Governor General, in whose possession the bonds remain, with a declaration upon each, indorsed and signed by him, that he has no claim upon the Company for the amount either of principal or interest, no part of the latter having been received."

So that you are to understand that this account, which was made up on the 22d of May, 1782, contains this sentence—namely, that these bonds are indorsed in the manner which I have stated them to be indorsed. If the thing had remained there, it might be exceedingly difficult for us to prove to any certainty whether these bonds were indorsed at the time he states them or not; but, fortunately for us and fortunately for this cause, the bonds are now in evidence before your Lordships; and it will be material for your Lordships, in this part of the business, to consider all that Mr. Hastings has said upon the subject of the bonds. Indorsement of the bonds.

First of all, he takes bonds—upon what ground of propriety I cannot conceive—for money that was not his own. He keeps these bonds for a considerable time, according to his confession, as his property. He exercises various acts of ownership concerning them, though nothing can be a stronger act of ownership than taking the bonds themselves. However, speaking of this in his letter from Cheltenham, he says,—

"It being my wish to clear up every doubt upon this transaction, which either my own mind could suggest or which may have been suggested by others, I beg leave to suppose another question and to state the terms of it in my reply, by informing you that the indorsement on the bonds was made about the period of my leaving the Presidency, in the middle of the year 1781, in order to guard against their becoming

7 JUNE 1790. a claim on the Company, as part of my estate, in the event of my death occurring in the course of the service on which I was then entering."

His assertion that the indorsement was made in the summer of 1781.

Here Mr. Hastings declares positively that these bonds were indorsed in the course of the summer of 1781; and he does not speak of it as a kind of date which any man may forget. A man may say,—"I thought it was in the summer," when it was in the winter, and—"I thought it was in 1781," when it was in 1782; and much greater mistakes happen in Mr. Hastings' accounts. But he says,—"It was in the summer of 1781, and I indorsed them in the summer of 1781, upon this ground, because I was going to Benares upon, what I thought, a service of some danger; and, therefore, I indorsed them that they might not be claimed as a part of my estate in the event of my death." He, therefore, fixes the date to be in the summer of 1781; and fixes it, not by the mere memory of a date, but by that which has made it permanent in his mind,—namely, by the consideration of the journey to Benares, with the consideration of his indorsing it at the same time. He says precisely the same thing in his Defence in the House of Commons. It so far tallies with his letter of the 22nd of May; for in that letter he says—"these bonds were so indorsed;"—but he does not mention the period at which that indorsement took place.

Thus we stood at the time we preferred this impeachment against Mr. Hastings; and having, abundantly, other means of proving the falsehood of his accounts upon this subject, we were not much dismayed by having no direct means of proving the falsehood of his assertion respecting these bonds. Fortunately, since that time, these bonds have come over and are in the possession of your Lordships. There was some examination by Counsel in order to show that these bonds were sent over, not at our desire, but at the desire of Major Scott, who had been formerly Mr. Hastings' agent; and that undoubtedly was completely proved. But will your Lordships think that an article of evidence is to prove less against Mr. Hastings because he happened to be the means of that evidence appearing? I am afraid that, if your Lordships would cut us off, during all these proceedings, from every sort of evidence which has come, in some shape, from the conduct of Mr. Hastings, I should find it difficult to convince your Lordships of his guilt. But there has been mixed with all his guilt — as by the providence of God is intermixed with the guilt of men — such a measure of confusion, contradiction, and want of judgment, as enables

us to prove that guilt upon him which we were unable else to prove. These bonds, which Mr. Hastings says, in the letter he dates the 22nd of May, 1782, were indorsed, not only before that period, but previous to his expedition to Benares on a service of danger—these bonds are upon your Lordships' table—indorsed, indeed, but bearing upon their indorsement the date, the 29th of May, 1782—a week subsequent to the time at which Mr. Hastings dates his letter and at which Mr. Larkins swears it was sealed—near twelve months after the time when Mr. Hastings says that he is sure he did indorse them, from his attention to the interests of the Company. These bonds need no more additional testimony: but if they wanted it they have it; for Mr. Larkins makes, also, an affidavit that he had the bonds in his possession till the 29th of May, upon which day he delivered them to Mr. Hastings, who, on that day and not before, indorsed them as they are now indorsed. If, therefore, I am to believe Mr. Larkins' two affidavits, I am to believe this,—that Mr. Larkins did go to Mr. Hastings upon the 16th of May, that he suggested to him the propriety of keeping his promise with regard to the present from the Wazir, and suggested the propriety of adding to the promise a specification of other sums; that he suggested part of that letter; yet, he says, they are bonds indorsed, Mr. Larkins knowing that Mr. Hastings had them not in his possession, but that they were in his own possession unindorsed, and, in fact, bringing them to Mr. Hastings at a subsequent period for that indorsement.

7 June 1790.

Actual date of indorsement the 29th of May, 1782.

All that I can say is that Mr. Larkins, who in some instances interposed to Mr. Hastings as his good genius, and who interposed to remind him of his promise to the Directors respecting the present from the Wazir,—Mr. Larkins might, when copying a letter of Mr. Hastings in which he was stating certain bonds to be indorsed,—he might have said—"Sir, I will copy your letter if you please, but I am writing that you have bonds indorsed which are in my possession and are not indorsed;"—he might have taken the liberty to suggest to him that all that he was writing was without a colour of truth, and that he was adding a new imposition upon the Company in all the facts which he was pretending to put in a clear light.

Now your Lordships will naturally ask why Mr. Hastings took these bonds at all. I will tell you why, I think, he took them; and then I will contrast my opinion with the

Reasons for taking the bonds.

7 June 1790. reasons Mr. Hastings has given, and your Lordships shall judge which is the more reasonable and probable opinion of the two. I state that he took the bonds for the money for the same reason which any man takes bonds for money which he conceives to be his own property; that he took the bonds in order that the Company should pay him the interest for those bonds, and the principal when it became due; that he took the bonds for the same reason as your Lordships would, if you lent them money,—for the purpose of receiving the interest and the principal. This is my account; this is the plain account of these bonds. I do admit that this is not the account Mr. Hastings gives of these bonds, and it may be material for your Lordships to see what that account is.

Mr. Hastings' explanation.

Mr. Hastings says,—"Why these sums were taken by me —why they were, except the second, quietly transferred to the Company's use:"—some glossary is sometimes necessary upon these subjects: by "quietly" he means secretly, the rest being more secretly transferred than this one, the transfer of which he had published sometime before:—"why bonds were taken for the first and not for the rest, might, were this matter to be exposed to the view of the public, furnish a variety of conjectures to which it would be of little use to reply." There he recurs to his old answer. When Nundcomar accused him, and when the majority of the Council thought it fit to inquire into the fact, whether he had received the bribes or no, he said the deputation of Mr. Goring was unnecessary. Now, when he thinks a question will be asked him which is pretty obvious and which, undoubtedly, must be asked him—what were his reasons for taking bonds?—he says—"this question might furnish a variety of conjectures to which it would be of little use to reply." Does Mr. Hastings mean to laugh at the world at once, and to say that he is in a situation in which he may treat them with that contempt in which persons in power, in countries where power is every thing, may treat the inquiries of those who have none? But if Mr. Hastings acts to us as from an equal to an equal, I should be glad to know whether there can be any conjecture which demands a more serious reply than questions founded upon so extraordinary an occasion—why a man assumes that to be his property which is not?—and why he takes a bond for that property which he confesses, ultimately, not to be his own, and which he means to take no advantage of? He says:—"Why bonds were

taken for the first and not for the rest might, were this matter to be exposed to the view of the public, furnish a variety of conjectures to which it would be of little use to reply; but if your honourable court were to question me"—"I would give an account of them":—that is what you naturally would expect to be the conclusion from such a beginning. 7 June 1790.

"Were your honourable court to question me upon these points, I would answer, that the sums were taken for the Company's benefit at times in which the Company very much needed them; that I either chose to conceal the first receipts from public curiosity by receiving bonds for the amount, or, possibly, acted without any studied design which my memory could at this distance of time verify, and that I did not think it worth my care to observe the same means with the rest. I trust, honourable sirs, to your breasts for a candid interpretation of my actions, and assume the freedom to add that I think myself, on such a subject, on such an occasion, intitled to it." The sums taken for the Company's use.

Now, those who are intitled to a candid interpretation ought to make out their title at least by open, by fair, dealing, and by candid answers. What are his answers to the vain conjectures of the world? "They are not worth a reply; but if your honourable court were to question me, to you I will answer—that I have no reasons which I do recollect." I really think he has put the honourable court upon a par with us and the rest of the world; and the difference between making no reply and reasons which he cannot recollect does not make such a distinction between his honourable masters and the rest of the world as need excite any degree of envy in us, or any degree of pride in them, for the honour of their situation. That he acted without any studied design—It is impossible to dwell upon this; it is so self-evident from its first appearance that he cannot be a just man,—he cannot be a man acting fairly,—who tells you he had no direct design in an act of fraud in taking bonds from the Company for money which was not his own but the Company's; for even, according to his own showing, if he had died before or during his expedition to Benares, his executors would have been intitled to these bonds. According to our showing they would after that, because they never were indorsed in the way he states till long after that expedition. Fraud in taking bonds for money belonging to the Company.

I think I have shown to your Lordships that the mode in which he took the bonds for these sums was such that he might keep them for himself, if he pleased; and that consequently the Company's right, if they did belong to the Company, depended afterwards upon his good will, and that Intention to hold the bonds for himself.

7 JUNE 1790. they were in a situation in which he ought not to have placed them. I shall prove that by his own letter of the 16th of December.* He says,—

Letter of the 16th of December.

"The despatch of the 'Lively' having been protracted by various causes from time to time, the accompanying address, which was originally designed and prepared for that despatch, no other conveyance since occurring,"—which is not true—"has, of course, been thus long detained."

He goes on concerning the delay of that letter, which he says is unfortunate for him, but then he says,—

"The sources from which these reliefs to the public service have come would never have yielded them to the Company publicly."

That is an observation very well worth your Lordships' attention—

"And the exigencies of your service—exigencies created by the exposition of your affairs, and faction in your councils—required those supplies. I could have concealed them, had I had a wrong motive, from yours and the public eye for ever."

He could have concealed them—he admits it; but you would think he could not then conceal them—

"And I know that the difficulties to which a spirit of injustice may subject me, for my candour and avowal, are greater than any possible inconvenience that could have attended the concealment, except the dissatisfaction of my own mind. These difficulties are but a few of those which I have suffered in your service. The applause of my own breast is my surest reward, and was the support of my mind in meeting them. Your applause, and that of my country, are my next wish in life."

That sentence applies to make a merit of having owned them, for he says that he "could have concealed them." But there is another sentence in the letter which implies that he could still conceal them—

"If I had at any time possessed that degree of confidence from my immediate employers, which they never withheld from the meanest of my predecessors, I should have disdained to use these attentions. How I have drawn on me a different treatment I know not; it is sufficient that I have not merited it; and in the course of a service of thirty-two years,—and ten of these employed in maintaining the powers and discharging the duties of the first office of the British government in India,—that honourable court ought to know whether I possess the integrity and honour which are the first requisites of such a station. If I wanted these, they have afforded me but too powerful incentives to suppress the information which I now convey to them through you,

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* Printed in the "Minutes of the Evidence," p. 1115.

and to appropriate to my own use the sums which I have already passed to their credit, by the unworthy and, pardon me if I add, dangerous reflections which they have passed upon me for the first communication of this kind; and your own experience will suggest to you that there are persons who would profit by such a warning." 7 June 1790.

This alludes to letters which he received between the 22d of May and the 16th of December, from the court of Directors, in answer to what he had stated about the money received for the purpose of sending it to Chimnagi Boosla and to Major Camac's detachment. Your Lordships will observe upon this, he says—"You have furnished me with a pretence which your experience will see other persons will make use of, and your reflections are not only unjust but dangerous, for I might, if so inclined, now withhold that information which I now convey to you; it is still in my power." My Lords, on the 16th of December, he states that it was still in his power to withhold from the Directors and the Company all this money which he had received, though he has pretended in a variety of instances—and that he must pretend in order to plead any sort of justification—that he actually passed it over to them long before that period. By indorsing the bonds, by crediting the Company, and by a variety of different means, as stated in his Defence, he has put them in a situation that the Company can be no losers and he no gainer; yet he now states that, in spite of all the methods in which he has entered these sums, he might at that moment, if he so chose, withhold the receipt of them from the Company and keep them for ever to himself. I state this in order to show that none of the means which he has taken or pretended to take, in order to insure this to the Company, were of any use, but that it was in his power at that time, the 16th December, to withhold all knowledge of this from the court of Directors, and to keep the money in his own possession. Your Lordships have heard one of his reasons; I now wish you to hear another of his reasons upon the subject:—

His assertion that, on the 16th Dec., it was still in his power to withhold the money from the Company.

*"For my motives for withholding the several receipts from the knowledge of the Council,"—this is partly in answer to some questions which had been put to him by the Directors—"or of the court of Directors, and for taking bonds for part of these sums, and paying others into the treasury as deposits on my own account, I have generally accounted

Further motives assigned for withholding the receipts from the knowledge

* This and the following passages are extracted from Mr. Hastings' letter to the Chairman of the court of Directors, dated Cheltenham, 11th July, 1785. —Printed in the "Minutes of the Evidence," p. 1152.

7 JUNE 1790. — of the Directors.

in my letter to the honourable the court of Directors of the 22d of May 1782,"—

Your Lordships will observe that he seems to consider here as if the only inquiry from the Directors was, why he treated these sums differently,—why he had taken bonds for some and paid others into the treasury as deposits ;—whereas I conceive the gist of their inquiry to be, why he had taken any security or any sums at all :—

"namely, that I either chose to conceal the first receipts from public curiosity by receiving bonds for the amount, or, possibly, acted without any studied design which my memory at that distsnce of time could verify, and that I did not think it worth my care to observe the same means with the rest."

That is his old answer.

"It will not be expected that I should be able to give a more correct explanation of my intentions after a lapse of three years, having declared at the time that many particulars had escaped my remembrance ; neither shall I attempt to add more than the clearer affirmation of the facts implied in that report of them, and such inferences as, necessarily or with a strong probability, follow them.

"I have said that the three first sums of the account were paid into the Company's treasury without passing through my hands. The second of these was forced into notice by its destination, and application to the expense of a detachment which was formed and employed against Mahdajee Scindia, under the command of Lieutenant-Colonel Camac, as I particularly apprised the court of Directors, in my letter of the 29th December 1780. The other two were certainly not intended, when I received them, to be made public, though intended for public service, and actually applied to it. The exigencies of the Government were at that time my own, and every pressure upon it rested with its full weight upon my mind. Whenever I could find allowable means of relieving those wants, I eagerly seized them ; but neither could it occur to me as necessary, to state on our proceedings every little aid which I could thus procure ; nor do I know how I could have stated it without appearing to court favour by an ostentation which I disdained, nor without the chance of exciting the jealousy of my colleagues by the constructive assertion of a separate and unparticipated merit, derived from the influence of my station, to which they might have laid an equal claim."

I must stop upon this passage to make one single observation. He says, it was not worth while to tell them of all the petty resources which he employed for their benefit. You will recollect that, with regard to one of these resources, he did precisely tell them of it, for he said he had raised it upon his own security, whereas he accepted it from Dinagepore, and, in point of fact, it belonged to them. He did think it worth while to tell them of it, but not to tell them the truth : he told them a false account of it. Now why it could be worth while to tell them an account which was not

the truth, I leave it to his Counsel to reconcile, when they come to make his defence. 7 JUNE 1790.

"Nor do I know how I could have stated it without appearing to court favour by an ostentation which I disdained,"

I wish your Lordships to attend to this part of the reasoning,—"if I had told you that this Dinagepore money was yours and I had taken it for the purpose of serving you, I should be liable to the charge of ostentation. In order to avoid that I tell you it was my money which I applied to the service. If I had told you it was yours, I should be considered as an ostentatious person, who was always raising monies for the Company which no other person could do." But he does not consider the other ostentation, which he falls into a little before, about the other two lacs which he stated as his own. But, of all the ideas I ever heard of, the most extraordinary one is, that it was given to obviate all possible idea of ostentation of any kind. There was another thing which he was afraid of besides ostentation, but as that is expressed in language peculiarly his own I am not quite sure that I comprehend it—

"nor without the chance of exciting the jealousy of my colleagues, by the constructive assertion of a separate and unparticipated merit, derived from the influence of my station, to which they might have laid an equal claim."

Pretended fear of exciting the jealousy of his colleagues.

I do not understand perfectly what his apprehension upon this subject is. He says he was afraid of the jealousy of his colleagues. It seems something like the other apprehension of ostentation. He was afraid his colleagues should be jealous that he had such superior merits to which they should lay claim. If he means they might be jealous he did not do his duty, I can comprehend that; or that he received money which they did not, I can comprehend that; but neither of these seems to be the sense, and I must leave that to your Lordships to understand as well as you can.

Desire to avoid suspicion of taking presents.

"I should have deemed it particularly dishonourable to receive, for my own use, money tendered by men of a certain class, from whom I had interdicted the receipt of presents to my inferiors, and bound them by oath not to receive them; I was, therefore, more than ordinarily cautious to avoid the suspicion of it, which would scarcely have failed to light upon me had I suffered the money to be brought directly to my own house, or to that of any person known to be in trust for me. For these reasons I caused it to be transported immediately to the treasury."

If one were to read this answer alone, one should think that the accusation against him by the court of Directors was—that he had given them some money which belonged

7 JUNE 1790. to him; for he only defends himself for carrying it to their treasury, and not for the part which he ought to have defended—for having taken notes or bonds for their money which he ought not to have taken at all. Here comes one noble sentiment of mind:—"I should have deemed it dishonourable to accept money from farmers or other persons concerned in the revenue, therefore I was particularly cautious"—to do what?—one would think a man of honour should say—"particularly cautious to accept no sums from any such persons"—No! "I was particularly cautious to avoid the suspicion of it, and therefore, though that money I did take for my own purpose, I ordered the money to be carried to the treasury to avoid the suspicion of it." What he was led to do was, not to refuse the money which he ought to have refused, but to take care that, though he took a bond for it, yet to carry it to the Company's treasury in such a manner that it should not appear to the public eye that he had any connection with it whatever.

"There I well knew that it could not be received"—

Upon my word, there is not one line in this letter which is not so material that I am forced to dwell upon almost all as I go—

The money entered as a loan to the Company or a deposit.

"There I well knew it could not be received without being passed to some credit, and this could only be done by entering it as a loan or a deposit.

Here he lays down a maxim, that whatever money he has taken privately and appropriated to the public use can only be so disposed of if it is given to the public treasury by means of a loan or a deposit; and yet, when we charge him with money taken from Kelleram particularly,—with money taken from Nundulul—with money taken from Nuddea,—he says that money has been credited to the public, but not credited by the means of a loan or a deposit. So that neither of these two, which he says are the only possible means by which money can be credited, he admits were taken, and, therefore, allows us to suppose that they never were credited to the Company.

Motives for entering the second sum as a deposit.

"The first was the least liable to reflection, and therefore I had obviously recourse to it. Why the second sum was entered as a deposit I am utterly ignorant. Possibly, it was done without any special direction from me; possibly, because it was the simplest mode of entry and therefore preferred, as the transaction itself did not require concealment, having been already avowed. Although I am firmly persuaded that these were my sentiments, yet I will not affirm that they were."

Considering his caution upon this occasion, I suppose your Lordships are something surprised at the rashness I stated before, of the particular dates of the indorsement of the bonds when going to Benares. JUNE 1790.

"Though I feel their impression as the remains of a series of thoughts retained on my memory, I am not certain that they may not have been produced by subsequent reflection on the principal fact, combined with the probable motives of it."

What is the principal fact I am at a loss to understand.

"Of this I am certain, that it was my design originally to have concealed the receipt of all the sums, except the second, even from the knowledge of the court of Directors."

Now I think, considering how little he is sure of his reasons upon any former occasion, it is some advantage to us that he is certain of this fact of an original intention to conceal the receipt of all these sums, except the second, even from the court of Directors.

"They had answered my purpose of public utility and I had almost totally dismissed them from my remembrance."

It is a singular thing that he had received the sums and applied them to the public service, that he had the notes in his bureau and the bonds in the possession of his attorney, and yet he had almost totally dismissed them from his remembrance!

"But when fortune threw a sum in my way of a magnitude which could not be concealed, and the peculiar delicacy of my situation, at the time in which I received it, made me more circumspect of appearances, I chose to apprise my employers of it, which I did hastily and generally;—hastily, perhaps, to prevent the vigilance and activity of secret calumny, and generally, because I knew not the exact amount of the sum of which I was in the receipt, but not in the full possession. I promised to acquaint them with the result as soon I should be in possession of it; and in the performance of my promise I thought it consistent with it, to add to the account all the former appropriations of the same kind. My good genius then suggesting to me, with a spirit of caution which might have spared me the trouble of this apology had I universally attended to it, that, if I had suppressed them and they were afterwards known, I might be asked what were my motives for withholding part of these receipts from the knowledge of the court of Directors and informing them of the rest,"—

The very question which they asked him at this time—

Indorsement of the bonds.

"it being my wish to clear up every doubt upon this transaction which either my own mind could suggest or which may have been suggested by others, I beg leave to suppose another question and to state the terms of it in my reply, by informing you that the indorsement on the bonds was made about the period of my leaving the Presidency, in the middle or the year 1781, in order to guard against their becoming a claim on the Company as part of my estate, in the event of my death occurring in the course of the service on which I was then entering."

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I have sufficiently observed upon that paragraph. Now here comes the summing up of all this:—

"This, sir, is the plain history of the transaction. I should be ashamed to request that you would communicate it to the honourable court of Directors, whose time is too valuable for the intrusion of a subject so uninteresting, but that it is become a point of indispensable duty: I must, therefore, request the favour of you to lay it at a convenient time before them. In addressing it to you personally, I yield to my own feelings of the respect which is due to them as a body, and to the assurances which I derive from your experienced civilities that you will kindly overlook the trouble imposed by it."

He considers what he has stated here to be a plain account of this transaction.

Absence of real explanation in the letter.

My Lords, the plain account of this transaction consists in almost every reason which he has given being reasons which he confesses himself not to be certain of. The only thing which he avers with certainty is his original intention of concealment; and he gives no explanation upon it, except upon the hypothesis of what might have been his motive at the time. Almost the only fact which he avers with certainty, is the time of the indorsement,—a fact completely falsified by the bonds themselves and the testimony of his own attorney, Mr. Larkins.

Court of Directors favorable to Mr. Hastings in the year 1784.

Before I have done with this letter, I will also call your Lordships' attention in some degree to the beginning of it, which I omitted in first stating it. You are to understand that, in the year 1784, the Directors, having received the letter of May, 1782, with its transmission of December the 16th, 1782, with these accounts, were considerably astonished at the contents of these letters. Your Lordships are all too much conversant and too full of memory with respect to the politics of the times not to give me credit when I assert that these Directors, who wrote to Mr. Hastings in the month of March, 1784, were certainly not supposed to be particularly averse to him, or to be particularly hostile to him, with respect to his power or with respect to any of his measures. It was at a period immediately after the dissolution of the late Parliament; after the change of ministry which preceded that dissolution; and after the totally doing away all the schemes which had been formed by Parliament, of which your Lordships have a perfect memory in your mind, and which I certainly perfectly remember, and which I—speaking still my own sentiments and not the sentiments of those that sent me here—am obstinate enough still to think the best system that was ever proposed for the good

government of India. These two events did not take place with any remarkable degree of quiet or any remarkable degree of tranquillity. In this country they certainly raised considerable debates; they raised considerable heats; and the event of this was to produce a court of Directors certainly not unfavourable to Mr. Hastings, and a general spirit very unfavourable to those who are his prosecutors, and proportionably favourable to him.

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Their dissatisfaction with his letters.

This court of Directors, constituted as it was, was not completely satisfied, nor could be, with the letter of May, 1782, nor with the letter of the 16th of December, 1782, neither; and upon that they ask some questions—

"We have considered the letters from the Governor General of the 20th January, 22nd May and 16th December, 1782, relative to presents, together with the account which accompanied the letter of the 22nd May. Although it is not our intention to express any doubt of the integrity of our Governor General,—on the contrary, after having received the presents, we cannot avoid expressing our approbation of his conduct in bringing them to the credit of the Company,—yet we must confess the statement of those transactions appears to us in many parts so unintelligible, that we feel ourselves under the necessity of calling on the Governor General for an explanation, agreeable to his promise voluntarily made to us. We therefore desire to be informed of the different periods when each sum was received, and what were the Governor General's motives for withholding the several receipts from the knowledge of the Council or of the court of Directors, and what were his reasons for taking bonds for part of those sums, and for paying other sums into the treasury as deposits on his own account."*

Their demand of further explanation.

These gentlemen were certainly not unfavourably inclined to Mr. Hastings, though, as he was their servant, they presume to ask him—"pray what were your reasons for taking that money? what was your reason for taking notes for some and bonds for the rest, as if it was your own property? We really think these things appear to be so unintelligible as to deserve some reason." This letter of the 16th of March, 1784, was sent by the Surprise, I think, and received in Bengal in August, 1784. Mr. Hastings was then absent; but he came back at the latter end of the year, and received this letter sometime before his departure from Bengal. However, to this letter—to this inquiry coming from friends, certainly, in no hostile style, expressing a great opinion of his integrity but some little surprise at his letters, and asking some explanation of those transactions which Mr. Hastings

No answer given by Mr. Hastings till after his return to England.

* Extract from letter of the court of Directors to the Governor General and Council of Calcutta, dated 16th March, 1784.—Printed in the "Minutes of the Evidence," p. 1149.

7 June 1790. states that to men used to money business may seem extraordinary and to require some explanation,—Mr. Hastings does not answer at all. But, when he comes to England, a friend has told him that it would be thought extraordinary if he does not make some answer to the court of Directors; and that answer is the letter which I read so large an extract from, and which I shall supply now by reading the beginning. Perhaps it would have been better if I had read the whole of it before.*

Letter from Cheltenham, 11 July, 1785.

"Cheltenham, 11th July, 1785.

"Sir,—The honourable court of Directors, in their general letter to Bengal by the Surprise, dated the 16th March, 1784, were pleased to express their desire that I should inform them of the periods when each sum of the presents mentioned in my address of the 22nd May, 1782, was received; what were my motives from withholding the several receipts from the knowledge of the Council or of the Court of Directors; and what were my reasons for taking bonds for part of these sums and for paying other sums into the treasury as deposits on my own account. I have been kindly apprised that the information required as above is yet expected from me."

It certainly was very kind in his friend to apprise him of it, but then I should have thought that his own "good genius" would have apprised him that, when his masters inquired of him how he came to appropriate money of theirs to his own use, it did require an explanation:—

Plea of preoccupation.

"I hope that the circumstances of my past situation, when considered, will plead my excuse for having thus long withheld it. The fact is that I was not at the Presidency when the Surprise arrived, and when I returned to it, my time and attention were so entirely engrossed, to the day of my final departure from it, by a variety of other more important occupations, of which, Sir, I may safely appeal to your testimony, grounded on the large portion contributed by myself, of the volumes which compose our consultations of that period, that the submission which my respect would have enjoined me to pay to the command imposed on me was lost to my recollection."

So, when he came down to Calcutta and found a letter had been there for a considerable time, from the court of Directors, expressly desiring him to give reasons for what appeared to be unaccountable in his conduct with respect to pecuniary matters, he says—it was entirely lost to his recollection, being engaged in other far more important matters. But he says also—

"Perhaps from the stronger impression, which the first and distant perusal of it had left on my mind, that it was rather intended as a repre-

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* *Supra*, p. 341.

hension for something which had given offence in my report of the original transaction than as expressive of any want of a further elucidation of it"— 7 June 1790.

His reason, therefore, for not answering that letter from Calcutta which I have read, and shown was a friendly and kind letter—and much too friendly and kind, in my opinion, for his situation—his reason for not answering it was this,—that the impression it left upon his mind was, rather that it was a censure for past transactions than any future inquiry. A very respectful reason does he give when he says,—"I thought this letter did not so much want further elucidation, as was intended as a reprehension for something which had given offence in my report of the original transaction." In short, in plain words,—"since you do not like this report, I have given of them, you shall have none at all; for I thought you were displeased at the report I had made, not at the substance, but the report I had made in former letters; therefore, I thought it as well to say no more upon the matter." What is "being displeased at the report," considered distinctly from "the substance," but this, that they thought they had not been sufficiently explained? And I should think that, if there could be any mode in which the court of Directors could peremptorily and specifically call for any explanation, it was by giving an opinion that the former explanation had been insufficient and requesting a further explanation. This to a man of honour would have been an immediate incentive to an answer and further explanation. He gives as a reason for no further explanation,—"because I consider it as an expression of dissatisfaction with the former intelligence I had given you; therefore, I meant to let it sleep, and say no more about it, being occupied with far more important matters." I suppose the defendant will prove that part of his defence; but it will be very difficult to prove to your Lordships' satisfaction—it will be very difficult to prove to the satisfaction of any honest and rational man—that any public business, however affecting to the public, can be more important to a man of honour than that of his clearing his own character with respect to the accusation of embezzlement, peculation, fraud and rapacity.

Contradictory statements with regard to the bonds.

My Lords, I shall dismiss the subject of the bond presents with observing to your Lordships, that I fully make out what I say of the use he made of them being directly contrary to his first statement. But it is very remarkable that there

7 JUNE 1790. is an intermediate statement, which I referred to and did not explain, and which is directly contrary to both. The first statement was, that two thirds were his own. In the next statement he asks for bonds for all three, and says they were all his own. In the third, he takes one third back and gives two thirds to the Company. So that, in three different statements made by him at three different periods, you cannot choose any two which are not materially, pointedly and decisively, contradictory one to the other,—so that both cannot be written truly by the same person. None of those statements could have been error and mistake, but they must have been contrary to his own knowledge of the fact at the time that he wrote them.

Present from Sadanund.

With respect to the present which he certainly did first mention to the public, I mean the present from Sadanund, Cheyt Sing's bakhshi, I must make some observation upon that subject. He states it thus in his Defence to the House of Commons,—

"I beg it may be observed that the first of these presents was received in the year 1780, [at a time when, as I have truly said to the Directors, 'the exigencies of the government were my own, and every pressure upon it rested with its full weight upon my mind; whenever I could find allowable means of relieving them I eagerly seized them.' It was in this year, and at one of these distressful periods I allude to, that I formed the plan for drawing Mhadagie Scindia from Guzzerat, to the defence of his own dominions, in hopes of laying the foundation of that peace with the Marattas to which this measure did afterwards so greatly contribute. This plan was opposed by Mr. Francis, then a member of the Council; on the plea, amongst others, of little importance, of the additional expence we should incur by its adoption. About this time, Buxey Sadanund, the confidential servant of Cheyt Sing, had been deputed to me in Calcutta by his master, to acknowledge his former ill conduct, and to assure me of his implicit obedience and submission in future: he was also intrusted by his master to endeavour to procure a remission of the payment of the annual sum of five lacks of rupees, which the Board had fixed as his proportion of the expences of the war. I peremptorily refused his request, but assured him that on the restoration of peace this additional subsidy should cease, and that this was all he must expect. Sadanund wrote to his master, and received a commission from him to give me the strongest assurances of his future obedience and submission to the orders of government; and he was further directed to request my acceptance of two lacks of rupees as a present to myself. My reply was that I cordially received his submission and assurances of obedience, but that I must absolutely refuse his present, which I did. Having been disappointed in the execution of my plan for attacking Scindia's dominions, which I deemed, and which proved to be, of the most material consequence, and being thwarted in it by my colleagues on the plea of expense, which was the only material objection made to it, I determined to accept of the offer which I before refused; and on my return from the Council, the day I believe that my plan was rejected, I sent to

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Sadanund and told him I had reconsidered his master's offer, and would accept the two lacks of rupees, which I desired him to pay to the sub-treasurer, Mr. Croftes, meaning to apply this money to defray the expence of the expedition against Scindia, and thereby hoping to obviate the only objection which had been made to this important undertaking. Unfortunately, I did not succeed in obtaining the consent of Mr. Francis and Mr. Wheler, and was therefore concerned at having accepted this sum from Sadanund, since the only use to which I meant to appropriate it was frustrated, and I expressed my vexation to Mr. Markham, my secretary, as he (who fortunately for me is now in England) can attest. Upon mature reflection, I determined neither to inform the Council of the transaction, nor to return the money to Sadanund, having once consented to accept it. I therefore suffered it to remain in the Company's cash as a deposit for their use, and, by the next dispatch to Europe, I informed the court of Directors of the transaction, though I did not state to them from whom I received the money, a neglect which I should have studiously avoided could I have foreseen the consequences of it. I thought, at the time, that I did all that was necessary by declaring that it was not my own, and that I neither could nor would have received it but for their use."]*

There is, also, a further account of this transaction in a letter of Mr. Larkins, which Mr. Hastings has made his own, which I shall submit to your Lordships:—

Account of the transaction in a letter of Mr. Larkins.

"The fourth sum stated in Mr. Hastings' account was the produce of sundry payments made to me by Sadanund, Cheyt Sing's buxey, who either brought or sent the gold mohurs to my house, from whence they were taken by me to Mr. Croftes's, either on the same night or early in the morning after. They were made at different times, and I well remember that the same people never came twice.

"On the 21st June, 1780, Mr. Hastings sent for me, and desired that I would take charge of a present that had been offered to him by Cheit Sing's buxey, under the plea of atoning for the opposition which he had made towards the payment of the extra subsidy for defraying part of the expences of the war; but really, in the hope of its inducing Mr. Hastings to give up that claim, with which view the present had first been offered. Mr. Hastings declared, that although he would not take this for his own use, he would apply it to that, of the Company, in removing Mr. Francis' objections to the want of a fund for defraying the extra expences of Colonel Camac's detachment.

"On my return to the office, I wrote down the substance of what Mr. Hastings had said to me, and requested Mr. James Miller, my deputy, to seal it up with his own seal, and write upon it that he had then done so at my request. He was no further informed of my motive for this than merely that it contained the substance of a conversation which had passed between me and another gentleman which, in case that conversation should hereafter become the subject of inquiry, I wished to be able to adduce the memorandum then made of it in corroboration of my own testimony; and although that paper has remained unopened to this hour, and notwithstanding that I kept no memorandum whatever of the substance thereof, yet as I have wrote this representation under the most

* Minutes of Defence at the bar of the House of Commons.—Printed for J. Debrett, 1788, p. 154.

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scrupulous adherence to what I conceive to be truth, should it ever become necessary to refer to this paper I am confident that it will not be found to differ materially from the substance of this representation." *

Mr. Hastings' statement that the present was an atonement for delay in payments.

The first thing that I have to observe upon this particular part of the present is, that Mr. Hastings states that this was originally offered him as some atonement for Cheyt Sing's delay in former payments. He says, he tells him he cannot accept of a present by any means, but if the payments are regularly made he will endeavour that upon the peace they shall cease. Mr. Larkins gives a different and more true account of it. He says that Cheyt Sing's bakhshi, his agent, offered him this for the obvious and natural purpose, not of atoning for crimes which he never had committed, but of inducing the Governor General to waive the demand of the Company upon him. What does Mr. Hastings? He says properly—"I immediately refused the present." A present offered to him upon such a consideration, as indeed any present, it was his duty to refuse. He afterwards considers the necessities of Colonel Camac's detachment: he sends for the bakhshi back, and says—"I will accept your master's present:" and he does not state, in any one of his Defences, that he did connect—that he did add—-to that any declaration that he did not accept it for the purpose of waiving any interest of the Company's whatever.

Fraud to the giver in applying the present to the Company's use.

Here I submit to your Lordships' consideration what applies specifically to this present, but what applies in great degree to every present ever received by the servants of the Company in India, but particularly to Mr. Hastings' presents,—that, even though he applies it to the Company's use, he does a fraudulent act, because that was not the intention of the giver. Mr. Hastings states that the Company availed themselves of this, which they could not otherwise avail themselves of. If Mr. Larkins' account be true, Cheyt Sing gave this money in order to induce him to waive a claim of the Company's. The Company would never accept a present of two lacs to waive a claim of five.

Expectation of Cheyt Sing that the bribe would save him from further de-

"But," he says, "Cheyt Sing's bakhshi would give me 20,000*l.*, in hope that I should waive the claim of 50,000*l.*, whereas no such offer could be made to the Company." See, then, the immediate crime he commits, as relating to all prin-

* Extract from Mr. Larkins' letter to the Chairman of the court of Directors, dated 5th August, 1786.—Printed in the "Minutes of the Evidence," p. 1153

ciples of morals and of justice; he permits a man to give him money which the man intends for a bribe,—for which the man intends to induce him to waive a claim of the Company for 50,000*l.* He takes the 20,000*l.* without any declaration that he will persist in the other demand; indeed he adds to the guilt of having accepted this bribe, by afterwards insisting upon the money for the Company. But, whether he did that or not, he leaves this unfortunate man in the situation of believing that he has appeased the Governor General by the bribe he has given him, that he has by that means put himself in a situation of being released from the demands of the Company. You are not only to consider the fraud committed upon the Company,—you are not only to consider the corruption of mind in the man who takes the present, but to consider the grievous calamities which fell upon this miserable man who gave it, and gave it upon an idea which the practice has taught the natives to think probable—that by giving money to the servants they can be excused the claims of the Company. But if the servants act as Mr. Hastings has done—take money to their own use, and not afterwards perform the consideration for which the bribe was given—and if these unhappy persons remain in the situation that Cheyt Sing and his bakhshi did, of having given 20,000*l.* as a bribe in hopes of saving 50,000*l.*, and instead of that find they pay 70,000*l.*, where the only pretended claim of the Company was 50,000*l.*, [are they not aggrieved?]

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mands from the Company.

Aggravation of guilt of receiving a bribe by deceiving the donor.

This is the situation of persons who give bribes in that country, when the convenience of those who act does make it necessary to take the bribe to the public. Therefore, if I were to decide upon the bribes taken, I should have no difficulty in saying that those who have taken a bribe and performed the service for it are, in my opinion, not more, but less guilty than those who add treachery to their corruption, and who receive a bribe which the donor thinks is to save him from a public demand, and afterwards enforce that public demand with rigour, giving this money also to the Company,—incurring two guilts, one, of taking the bribe and deceiving the Company; the other, deceiving the wretch when he thinks he is buying off the money he has to pay, when you by no means whatever intend to spare him. This is the account Mr. Larkins gives of that transaction. The account of Mr. Hastings has no other difference, except that it does not mention his knowledge of the intention of the bakhshi in giving this; but no man, I think, can dispute

7 June 1790. his intention in giving it, and indeed we have proved it completely by Mr. Larkins' letter.

Plea of distress of the Company to justify receipt of the presents.

The plea for these presents in general—the plea which he states in every letter to the court of Directors, as thinking it to be one the most likely to prevail with them—is the general distress of the Company. We have proved that, with respect to the first money he received from Dinagepore, the first receipts were in 1779; and we have proved, by the evidence of Mr. Anderson and others at your Lordships' bar, that that was previous to the distresses of the Company. Therefore, whatever pretence he may have—and most miserable and vain pretences they are, as I conceive—whatever pretence he may set up as a palliation for his receipts, the distresses of the Company cannot be urged as a defence for taking the present from Dinagepore, when by the evidence of Mr. Anderson, a person whom no man will conceive intentionally unfavourable to Mr. Hastings, it is proved that the presents from Dinagepore were anterior to that pretended distress, whatever it was.

Money received from Nundulul.

With respect to the money received from Nundulul, I do not at present recollect from the evidence any peculiar circumstances which mark or discriminate it from the rest, so as to render it necessary for me to make any particular observations upon it; except that Mr. Larkins, willing in every instance to try to diminish the criminality of this business, and to put some face upon it, says, without any ground or reason that I know of, that this money paid by Nundulul may be some part of the money in Gunga Govind Sing's hand—the present from Dinagepore. However, the name of Larkins has just made me recollect what I had omitted in observing upon this part of his letter, relating to Sadanund's present; and, perhaps, it will appear a very material, but if not a very material, at least a very curious fact—namely, that Mr. Larkins knew nothing of any of those other presents. He knew nothing of the presents from Kelleram; he knew nothing of Dinagepore; he knew nothing of Nuddea; he knew nothing of the Wazir's present; he knew nothing of any of these presents whatever; but he was intimately acquainted with this present of Sadanund; and, not being Mr. Hastings' usual confidential person on these occasions, he seems to be very exact in what Mr. Hastings told him upon the subject; and he acted afterwards as Mr. Hastings' "good genius," in suggesting the propriety of making some disclosure upon that subject.

Mr. Larkins' suggestion that it might be part of the present from Nuddea.

He says, when it was stated to him, he immediately set down the substance of the conversation, and requested his deputy, Mr. Miller, to seal it up with his own seal, which he did at his request. For what purpose was it sealed up? Mr. Larkins says, for the express purpose of being produced, as his testimony of that conversation, at the time and at the period when it passed. Now we are in the third year of this trial. Mr. Larkins had heard of the intended accusation of Mr. Hastings when he wrote this letter. Mr. Larkins has since transmitted an *affidavit* with respect to the bonds, with respect to the period of their indorsement, with respect to the letter of the 22nd of May, and all those transactions; but yet this letter is unsealed at this time, and is not sent over to us, as [far as can be learnt from] any testimony that I have yet heard upon the subject. It appears to me that Mr. Larkins would have done much better, instead of making all these observations for which we are to take his word, and the *affidavits* for which we are to take his oath, however contradictory the one may be to the other,—it seems to me he would have provided better for the defence of his character and for his friend, if he had sent over this with his seal, and with a proper attestation that it had not been opened since that period. I cannot help observing that this omission is at best a very singular and curious fact, and very much calling for the observation of your Lordships.

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His pretended memorandum of a conversation respecting the present.

With regard to the present of Nundulul, I said that there were no particular circumstances;—and there are none. For I cannot conceive great secrecy to be a discriminating circumstance, because great secrecy belongs to the circumstances of every one of these presents, except that of Cheyt Sing, and of that to a considerable degree. But it does appear remarkable that, at the time of receiving this money from Nundulul, Mr. Anderson was in the greatest confidence of Mr. Hastings, and employed by him in situations of the greatest trust, living in private familiarity with him and employed in trusts of the greatest confidence,—it does appear remarkable that Mr. Hastings should conceal that present of Nundulul from Mr. Anderson, who declares that from Mr. Hastings he never heard a word of that or of any other present whatever.

Concealment of the present from Mr. Anderson.

The present of Kelleram stands, undoubtedly, in many respects upon a footing peculiar to itself. The first attempt to justify it is, that it was not a present, but that it was a

Kelleram's present.

Pretence of its being a peshcush.

7 JUNE 1790. peshcush. And by a peshcush, I, who am not conversant in Indian terms, understand something a little analogous to a fine paid upon the renewal of a lease, such as is paid in this or any other European country. With respect to this peshcush, we have completely proved, both by written and oral testimony at your Lordships' bar, that there is a fixed peshcush which bears a very small proportion indeed to the rent, and that no such peshcush as that was received from Dinagepore, Nuddea, or Kelleram. That it was not a public peshcush, such as was fit to be owned, but a private present to the Governor, appears from various circumstances. First, by his secrecy upon the subject; for, if he had an opportunity of letting the lands at a high price, at which, it appears, he did let them, and if, over and above that, he had induced Kelleram to pay a fine to a considerable amount, he would, undoubtedly, have stated to the Company his merit in letting those lands, inasmuch as he would have let them with an advantage in the rent, and an additional advantage in respect of the fine besides. Instead of that, we find it kept a profound secret from Mr. Hastings' friend, till it appeared, I believe, in the course of the inquiry in the House of Commons, in some shape, in the course of this impeachment.

Proofs of its being a private gift to Mr. Hastings.

Mr. Hastings now avows it, but he long kept it secret, and we have proved that secrecy. We have also proved—which is very material—that that secret was inviolably kept by Mr. Hastings, till public rumour had published it to the world. We have proved by the evidence of Mr. Anderson,—we have proved by the evidence of Mr. Moore,—we have proved by the evidence of Mr. Young,—not, I believe, by the evidence of Mr Shore, for he was not positive of having heard it before the year 1782, but he thinks he heard it before,—but we have proved by the evidence of every gentleman called to your Lordships' bar that they did hear of this money given by Kelleram to Mr. Hastings; and it is worthy of your Lordships' while to recollect the terms in which the different witnesses expressed themselves upon that subject. Mr. Moore said he heard it; Mr. Young said he heard it; Mr. Anderson said he heard it, but did not believe it; Mr. Shore said that he heard it, but concluded that it was Gunga Govind Sing who had abused Mr. Hastings' name, and not Mr. Hastings who had accepted it. Need I say any more to prove that it was not a public fine or public peshcush? Need I say any more to prove that it was a criminal and not a meritorious receipt of money, when I

Evidence of witnesses.

find that every witness says he heard it as a report against Mr. Hastings, and that these witnesses who are particularly favourable to Mr. Hastings, such as Mr. Anderson and Mr. Shore, tell you,—one, that he heard it without believing it; the other, that he heard it and thought it was an abuse of Mr. Hastings' name by Gunga Govind Sing, who had received it for himself? Nothing can be more conclusive than these testimonies, with regard to its not being a regular peshcush or fine, but an irregular, illicit, blameable, present, as I have stated it. 7 June 1790.

Farm of the province of Behar let to Kelleram.

It also appears that he did let to Kelleram about that time a very considerable farm, no less than the province of Behar. We have proved to your Lordships that he let it him with unusual circumstances; we have proved to your Lordships that he let it him in perpetuity, contrary to the opinion of the Company upon that subject; we have proved that he let it to him without any collateral security, contrary to the universal practice of letting farms; we have proved that he let Kelleram and Cullian Sing the joint office of diwan and farmer, two offices which do not appear ever before to have been joined, and which I conceive to be joined first in that instance, because in a subsequent minute it is stated that the junction of these two offices, though not common, is not unprecedented, for it was so in the case of Cullian Sing and Kelleram; from whence I conclude that was itself the first innovation, and was the original precedent for such a junction of two offices so apparently incompatible.

The joint office of diwan and farmer let to Kelleram and Cullian Sing.

Check removed by the junction.

Upon the junction of these two offices we have asked all the different witnesses. Mr. Moore says the diwan ought to be a check upon the farmer. Mr. Young says the same. Mr. Anderson says, after a considerable degree of pressing, that he believes he might be so, and after a number of questions he adds—that he owns he does think it possible that, when they are in the same person, the same check may not exist. Therefore, we have shown that, in this case, he not only took the present illicitly from Kelleram, but that he appointed him to a farm with unusual circumstances; that he gave him power unusual to a farmer, by connecting with his farm the situation of diwan; that he took from him no collateral securities, as he did from the other farmers. If, joining all these circumstances together, your Lordships can conceive that this money was taken for the Company, I confess I shall be at a loss to know how it is possible to prove the corrupt receipt of money from any man, more especially

Proofs of corrupt receipt of the money.

7 June 1790. when, having [proved] that it was received illegally, I add that he did do a benefit to that man, did abolish the usual checks that were upon him, and did abstain from taking the usual collateral security which from persons in that situation was constantly demanded.

Mr. Hastings warned of Kelleram's unfitness for the trust.

In addition to this, I would wish your Lordships to recollect Mr. Young's evidence, in which he states to you that he foretold to Mr. Hastings what would be the effect of appointing Kelleram; that he, who had been in the province and was acquainted with all the circumstances of it, did warn Mr. Hastings that Kelleram was not fit for the trust, and not a man likely to answer as a farmer for the Company. All these warnings were completely disregarded by Mr. Hastings. The farm was let to him without security, and without check from the diwan, under all the circumstances I have stated; and it has also been proved that from this man he did take a considerable sum of money, contrary to law and the orders of the Directors;—it is to be remarked, too, that he took it by his instrument, Gunga Govind Sing.

Part of the money received for Mr. Hastings by Gunga Govind Sing.

The witnesses have been asked, and have said that they did not know any connection Gunga Govind Sing had with these provinces. But yet it does appear that he was the receiver of this money for Mr. Hastings, and paid it over to Mr. Crofts, by Mr. Hastings' desire,—not all, as I shall state; and though the remainder may be a small part, it is well worth your Lordships' consideration. It appears by Mr. Larkins' account that the Patna money, which is Kelleram's money,—for it does not appear to be known to Mr. Larkins that it was Mr. Hastings' money, for Mr. Hastings makes confidences by halves even to those he most entrusts,—the whole receipt appears to be two lacs 21,000 rupees, and what was paid to Mr. Crofts appears to be only two lacs; so that there is a balance of 21,000 rupees, which is about 2,000*l.* I admit that not to be a very large sum; but yet it is equally conclusive for proving the purposes for which Mr. Hastings took this sum, and the purposes for which he conceived it to be given; because, if Mr. Hastings had taken it for the Company, and Gunga Govind Sing had received two lacs and 21,000 rupees, he would have said the Company must have the two lacs and 21,000 rupees; whereas he gives them only the two lacs, and with regard to the remaining 2,000*l.*, that is in Gunga Govind Sing's hands, as Mr. Hastings' agent. It is Mr. Hastings' property, if he can recover it from Gunga Govind Sing, and not the Company's, till Mr. Hastings gives

Only part of the sum paid to the Company.

it over to the Company. And, though the sum is small, it serves to show the light in which he receives it; because no man that is the agent for another receiving 22,000*l.*, thinks himself, if he pays 20,000*l.*, relieved from the other two. Therefore, this serves to show the light in which Mr. Hastings received it—as money for himself and not for the Company,—because he pays only part of it over to the Company. 7 June 1790

My Lords, this observation which I apply to the Patna money applies, perhaps, still stronger to the money received from Dinagepore. There you will perceive, if you will look in Mr. Larkins' account, in page 1156 of your Minutes, that, of the Dinagepore money, there has been received three lacs and 6,000 rupees. There has been paid to Mr. Crofts only two lacs—they state for charges to the amount of 9,000; and the balance remaining in the hands of Gunga Govind Sing they state to be 97,000 rupees. Then in the account, at the end, it says the Dinagepore peshcush ought to be four lacs; that there were received only three and that there remains one. Of Nuddea there was no balance. Of Patna there were four; there were received only two, of that there remains two.

Part of the money received from Dinagepore remaining in Gunga Govind Sing's hands.

It appears, therefore, that Gunga Govind Sing had received for Mr. Hastings three lacs and 6,000 rupees, and had paid to Mr. Crofts only two lacs, and, deducting the charges, there remains in his hand 97,000 rupees—a sum nearly equal to 10,000*l.* sterling. I wish here to ask the defendant, if this was the Company's money and he was acting as steward, upon what principle he admits Gunga Govind Sing to retain 2,000*l.* of the Patna, and near 10,000*l.* of the Dinagepore present? What is his situation? Is he a defaulter, insolvent,—a person who being willing to pay has not been able to pay? If he is any of these, Mr. Hastings may make some excuse for himself. But, since the periods I have been mentioning, Mr. Hastings has employed him in most important concerns, and he finishes his government with leaving a most excellent character of him and addressing the Board and Council in his favour. In favour of whom?—in favour of a man who, according to this account of Mr. Larkins, is in possession of 12,000*l.* of the Company's money, which he had received so long ago as the year 1780 or 1781, and of which he has never paid a single shilling, to the time I am speaking or to the latest accounts from India.

Total amount received by Gunga Govind Sing.

Gunga Govind Sing not treated as a defaulter by Mr. Hastings.

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Plea of acceptance of bribes as means of procuring money for the Company.

Let Mr. Hastings do—what, if he had done it from virtuous principles, would be the last effort of virtue, but such an effort of virtue as I never knew any honourable man apply to—let it be admitted that he has gone through all these dark roads and ways of corruption,—made himself liable to suspicion in a thousand instances,—that he has received money for which, if he had been detected at the instant, he must be found guilty of bribery,—that he has done all this,—that he has blasted his character,—all for the purpose of government, for filling their coffers and increasing their revenue: be it so!—I apply to him as a rigid steward for the India Company. Not contented with their regular dues, he goes and gets for them what he could not get in any other way than as presents to himself:—be this also! But how are we to account for his conduct to Gunga Govind Sing, who was an instrument in those measures, who has actually, according to his account, had this 12,000*l.* in his hand since 1780, and has never accounted for it in any manner whatever? If he had acted for the Company, he would not have been content with paying to the Company what Gunga Govind Sing paid him, but he would have made him pay every shilling he received from Kelleram and Dinagepore.

Incompatible with his leniency to Gunga Govind Sing.

The sum left with Gunga Govind Sing as his share of the bribe.

It is impossible to be accounted for upon a principle of innocence: it is not only possible but easy to account for it upon a principle of guilt. If it be true, as I contend, that Mr. Hastings received all these sums for himself, though afterwards from particular circumstances he has thought it convenient to confess them and place them to the Company's account--if all that is true, all this is explained. Why was Gunga Govind Sing to have 12,000*l.* in his hands? Because it was his share of the bribe; for no man can employ men in illegal and corrupt transactions without paying handsomely, liberally, and, may be, as they may think, exorbitantly, for their labour. Gunga Govind Sing, though a Hindu, knows the act of the 13th of the King, as well as your Lordships know it; and he knew that, the moment Mr. Hastings employed him to take money from Dinagepore and Kelleram, Mr. Hastings was employing him in an illicit traffic for which Mr. Hastings was answerable. Gunga Govind Sing knew the trust reposed in him, and did as persons will in such employment do—"If I am to have a share in the crime let me have a share in the profit,"—and the profit seems tolerably

well divided. But that Mr. Hastings, with this rigid economy for the Company, should, knowing their distress, leave such a sum in Gunga Govind Sing's hand, and then after that raise Gunga Govind Sing to such places of trust and confidence, is a conduct not to be accounted for by any reasonable man whatever. 7 JUNE 1790.

Inconsistency of Mr. Hastings, accounts of the transactions relating to the presents.

I trust your Lordships have considered the different letters that I have laid before you; and I could almost venture—though, perhaps, it might be too rash a challenge—to put the whole of this trial upon this fact,—if the Counsel can prove that, in any one letter of Mr. Hastings, he has stated any one fact exactly in the way in which it has turned out upon examination, I would almost consent that your Lordships should acquit him. And yet, when a person has written five or six letters, every one of them giving a different account, it would be considered as a matter of some unfortunate fatality that, out of so many chances he has had for speaking the truth—having spoken so differently in every one—there does not happen any one that is precisely consistent with the truth, whenever it has been explained in evidence at the bar of your Lordships.

The secresy and mystery connected with them.

My Lords, the characteristic of the whole of this business is secrecy and mystery. Were these accounts kept by Mr. Larkins? One would think Mr. Larkins might be trusted. I am sure all his conduct since seems to show him to be a man who might be trusted as an agent by Mr. Hastings. Were they all kept by Mr. Crofts? I am sure that, when Mr. Hastings had forgiven Mr. Crofts that material error of paying the Nawab 16,000*l.* more than was due to him, Mr. Hastings had a right to expect at least fidelity from Mr. Crofts, if you can conceive that personal fidelity can belong to a person that has been guilty of so great a breach of public trust. If he trusted neither to Mr. Larkins nor Mr. Crofts, did he trust entirely to Gunga Govind Sing himself? No, that does not appear. For the manner in which Mr. Larkins gets at all these facts is very singular. Mr. Larkins says that his official situation had made him suspect that Mr. Hastings had received sums; he went to him, and advised him to mention them, and he says:—

The withholding of confidence from his agents.

"The particulars of the paper, No. 1, were read over to me from a Bengal paper by his banya, Cantoo Baboo, and, if I am not mistaken, the three first lines of that No. 2 were read over to me from a Persian paper by his munshi. The translation of these particulars made by me was, as I verily believe, the first complete memorandum that he ever possessed of them in the English language; and I am confident that if

7 June 1790. I had not suggested to him the necessity of his taking this precaution, he would at this moment have been unable to have afforded any such information concerning them."

Now, whether Mr. Larkins was Mr. Hastings' good or evil genius in advising him to have these things translated and appear in the way in which they have appeared, may be left for your Lordships to determine. But what I beg your Lordships to observe is, that, so far from trusting Mr. Crofts —so far from trusting Mr. Larkins, or even Cantoo Baboo,— it appears that Mr. Larkins collected this himself from a Bengal paper read to him by Cantoo Baboo. With regard to the other, he does not say much of it, but that the three first lines were read by the Persian munshi, which is, I suppose, a servant that wrote the Persian language. So that these accounts, instead of being kept in that plain and direct manner which every man would wish all accounts in, but in which he would particularly wish to keep accounts of such a delicate nature, were kept, some in English, some in Persian, some with Cantoo Baboo, some with the munshi, some with Larkins, some with Crofts; and he never had a complete statement of them all, down to that period. So little was he able to account to the Company for the moneys, that he could not account for them himself. He had them lying in different papers, in different languages, and had not a correct statement of them upon which his private honour as a gentleman, and his public character as a minister of the India Company, must depend, in the eyes of his masters and in the eyes of the world, when they should scrutinise his conduct!

Irregularity of accounts.

My Lords, I confess that there may be questions put to me which I should find some difficulty in answering. If it were said to me—"You have exposed,"—as I think I have —"a system of complicated fraud, deceit, concealment, falsehood, misrepresentation, which undoubtedly precludes the possibility of innocence;"—that I suppose must be granted me;—but it may be asked me—"can you set up any rational scheme of fraud to which these papers answer?" In one or two instances I have attempted it; in the case of Gunga Govind Sing and the bonds. But it may be said— "where was the use, supposing he meant to defraud the Company, of originally telling them of the money at all? Where was the use of defrauding in one shape in one instance, in another shape in another,—for leaving some in bonds, some in deposits,—for remembering some and forget-

Difficulty of accounting for Mr. Hastings' system of fraud.

ting others,—and remembering some instances in parts which made the most against him?" I can say nothing of that. I cannot form any rational system of guilt; but I think innocence is completely and certainly excluded. I will venture one conjecture and one only. One conjecture is this,—that, by leaving these things in this uncertainty and half explanation, he left a guard for whatever might be detected. If, in the first instance, he had said to the Company,—"I applied this money which was taken from Sadanund for your use, for Colonel Camac's detachment,"—which would have been the natural thing, he then was liable to this difficulty, that, if we had proved any other present, he must have accounted for having brought that, too, to the Company's account. If, for instance, we had proved the money received from Kelleram, he must have proved some public use made of that money; whereas, having mentioned the money without mentioning Sadanund, the giver, if we found out any other present, he might have said, "Oh! that is the sum I applied to Colonel Camac's detachment, and which I offered in my own name, in that manner which some called ostentatious, before Mr. Wheler and Mr. Francis.

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Probable motive in partial explanations.

So in other instances. He stated, in a letter of the 22d of May, these sums without names. He had heard a rumour of Kelleram. If he had stated he had received so much money and received it from Kelleram; if he had stated the application of that sum; if we subsequently detected any other sum, he could not cover that under the name of Kelleram. But in this way of covering it, stating one sum as a peshcush, one through the hands of Gunga Govind Sing, one from Sadanund, another from Nundulul, &c., he stands in this situation,—that, whenever we detect a new bribe, he may say, "Oh! that is the sum that I applied in such a way."

Contrast of covertness of guilt with openness of innocence.

That is one of the grounds upon which I can suppose this system of darkness, concealment and fraud [to have been devised]. But I hope that it is no shame to me, that it is no disgrace to an honest man, to say that he has not skill enough to detect the use, the objects and the purposes, of all the intricacies and the windings of the fraudulent. I only say that I know them by their face and character; that honest men do not prevaricate, they do not give different accounts of a transaction, particularly transactions as to money, in which every man's private honour is supposed to be immediately and delicately concerned. All these things, I can say, have

7 June 1790. never been done by innocence. But I am not bound to account for all the windings of fraud and guilt. I do not know them. Thank God! I do not wish to know them. But this I can say, they are not the paths of innocence. How and in what shape they lead to the purposes of guilt I know not. Perhaps they do not lead judiciously to those purposes; for those who think they can conceal their guilt by windings and cunning may find themselves the dupes of their own deceit; but they are not to be acquitted because they have done that without effect which they intended to do for the worst purposes.

I said cursorily, in the beginning of this business, that when he gave general answers I would make no reply; . . . . *

Concealment by means of falsehood.

But if I am to judge from his conduct I must think otherwise, because I perceive that falsehood, and not silence, has generally been the engine of his concealment. To involve truth in a variety of circumstances which may make it invisible to common eyes;—at one time, to tell something like the truth; at other times, to deviate from it more widely; at others, to contradict it directly;—to bring a variety of facts unexplained, in order that you may not be able to distinguish which sum belongs to which fact and which date, and which period to which particular event;—this has been his mode of concealment. I do not know how I can account for this. I cannot illustrate it better than by the image used by the greatest of poets, and of the first date, in describing that sort of mist which envelopes the hills;—he says, "Such mists are not friendly indeed to the shepherd and to the cultivator, but to the robber they are better than even the darkness of the night itself."† Giving by that an idea, which is, perhaps, as just and correct as it is expressive—that a certain obscurity derived from thickness is still more favourable to the pursuits of the guilty than that species of darkness which results from the absolute want of any light whatever,—in-as-much as it is more difficult to dispel by new light that sort of mist which prevents the usual and natural operation of light, than to dispel all darkness whatever. I, therefore, have no other principle to account for his conduct but that which I have stated. Suffice it for me that there is no principle upon which it can be accounted for consistent with innocence.

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* The words omitted are a quotation from a Latin author, not reported.

† Homer's Iliad, Book III., line 10,—

"Εὖτ' ὄρεος κορυφῇσι Νότος κατέχευεν ὀμίχλην,
Ποιμέσιν ὄυτι φίλην, κλέπτῃ δε τε νυκτὸς ἀμείνω"—

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Aggravation of crime by false accounts of it.

I have proved the substantive crimes which I have stated. I am contented to rest there for judgment. But I have spent much of your Lordships' time—I hope I have not mis-spent it—by showing that these crimes were not only substantive crimes, as breaches of an Act of Parliament, but that they were attended with all the circumstances that prove the *malus animus*, and aggravate the commission of any crime whatever. Many of your Lordships have sat in courts of justice; many of your Lordships, who have not sat there, have attended there as spectators, as I may have done; and, I believe, your Lordships have found that, in all criminal cases, it has always been considered as the most powerful medium, next to positive evidence, and sometimes superior even to positive evidence itself, of proving the guilt of any criminal, that he has given false accounts relative to the transaction, upon the subject of the criminal inquiry.

Comparison with case of a convicted murderer.

My Lords, in the case of the condemnation of a very unhappy, but, I believe, a very guilty, man to the greatest punishment which our law knows for the greatest crime—I mean for murder,—the judge in pronouncing his sentence used these words—"In your case, the false accounts given by yourself, the misrepresentations that you have held out to Sir William Wheler, the endeavours that you have used to prevent a full inquiry and discovery of the truth of the case, the strange conversations which you have held at different times, and a variety of other circumstances, leave no doubt of your guilt."* The judge in stating that, in my opinion, did well; for there can be no greater proof of the truth of the charge against any man than the variety of false accounts which he has given upon the subject.

My Lords, this was upon a different subject, but I would almost venture to apply every word of it to the present case:—"The false accounts given by yourself,"—I have stated abundance of false accounts are given by Mr. Hastings. "The misrepresentations that you have held out,"—Mr. Hastings has held out misrepresentations to the court of Directors, to his own friends, to the Board at Calcutta, to the House of Commons upon his Defence, and to every one with whom he has conversed upon the subject. "The endeavours that you have used to prevent a full inquiry and

* The case referred to is the trial of Capt. Donellan, for the murder, by poison, of his brother-in-law, Sir Theodosius Boughton, Bart. He was executed on the 3rd of April, 1781.

7 JUNE 1790. discovery of the truth of the case,"—for the endeavours which Mr. Hastings has used to prevent an inquiry into his conduct, can I go to stronger evidence than all that passed upon the subject of the accusation of Nundcomar? Without going back to the presents anterior to the Act, the evasion which he makes of all the Company's questions, who ask him, with respect to the circumstances they had a right to ask, as to why he took bonds, &c.,—he constantly evades this, by saying "I either thought you did not want an answer, or that I had given one." "The strange conversations,"—we have proved, not strange conversations, but strange writings, which are better than conversations, because they are not likely to be mistaken.

All these circumstances, which, in a case of the greatest crime—and the greatest crime at least ought to be presumed—in a case of the greatest crime, subjecting a man to the loss of his life, were considered, and rightly considered, as strong circumstances of proof of the guilt of this unfortunate and guilty man to whom I allude—all these circumstances occur in the case of Mr. Hastings. For he has given as many false accounts, as many misrepresentations, he has made as many endeavours to prevent a full inquiry and discovery of the truth of the case, and he has held as many strange conversations by writing as ever this man did by words, in order to conceal his crimes. Thus he was guilty of all these things. They were not mere breaches of the Act of Parliament, but they were corrupt presents, in the worst sense of the word corruption, taken for bad purposes by him, and only afterwards applied to the use of the Company.

Defence of application of the presents to the use of the Company.

The words, "applied to the use of the Company," lead me to the only defence which I can conceive possible to be set up for this gentleman. I would beg leave to ask your Lordships then, conversant as you are with the law, whether in any other case such a defence could be set up?

Case of a forger who returns the amount of his fraud.

At the time when forgery was only a misdemeanour and not capital by the law, if a man had been found guilty of forgery, could he possibly avoid the penalties of that crime by proving that he had paid back the sum which he had fraudulently gained by his forgery? Certainly not; there could be no doubt upon that subject: but there is a particular decision upon that, I believe, by Chief Baron Pengelly in the case of Hall. But it is not worth while to quote a case upon the subject, because it is clear in point of fact that he that has done a criminal act shall not get rid of

that criminal act by merely discharging himself of the profit he has made by it. 7 June 1790.

To state it more familiarly, I should like to put it in any case of corruption. It is illegal in this country to take a bribe for the election of a member of Parliament. If it were proved upon any man that he had taken a bribe for his vote, in the election of a member of Parliament;—if it could be proved by any member of your Lordships' House, or of the House of Parliament to which I have the honour to belong, — which I trust will never be proved against any member of either,—that we had taken a bribe for our vote in Parliament,—would it be any palliation, would it be listened to as an excuse for having broken the law in that instance, that we could prove that, before the indictment was preferred against us, we had actually either paid back that bribe to the person who gave it us, or had given it to the Sinking Fund, or for any other public purpose whatever?

Comparison with a bribe for election of a member of Parliament.

Or for a vote in Parliament.

Return of the money.

It might be said in that case, what is the crime of a member of Parliament taking money—I am putting by the case of an elector,—what is the crime of a member of Parliament taking money for his vote? The crime is, first of all, that he breaks the law. The next crime is, that he makes himself less fit to do the duty and to execute the public trust that belongs to his station.

But all these arguments are against Mr. Hastings. He has broken the law; and he, by accepting these bribes, had an influence upon his mind which rendered him less fit to execute the duties of his public station. Mr. Hastings says, in his Defence—"I took the bribes indeed, but I acted as I should have done if I had not taken them. Did I spare Cheyt Sing on account of the bribe he paid me? Certainly not." Would it be any defence of any member of either House to say—"Certainly, I took the bribe, but I can prove that I acted contrary to the intention of him who gave it me?" Mr. Hastings might say, "I took it myself, but I gave it to the public." So we might say,—"We took it nominally for ourselves," and might add the same merit Mr. Hastings adds; for I may say that, by taking a bribe for my vote which did not influence it, and by transferring that bribe to the Sinking Fund, I gained a sum of money to the public which it could never have had in any other shape, except through my bribery and corruption. There is no difference between the two cases.

Suppose the case to be, as I have stated, of a member of Parliament;—suppose it was the case of a member of Parlia-

Case of a Minister taking a

7 June 1790. ment or one of the King's Ministers, as to foreign transactions—which may in some respects appear nearer the case, but in reality is not a jot so. Suppose any of his Majesty's Ministers were to take a bribe from any of the Princes of Europe, would it would be a good plea, when accused of that offence, to say—"It is true I took the bribe, but I was so far from putting it in my pocket that I used it for the King's secret service, in which I was intrusted. I credited that account for it, and every shilling which I received from the Minister of this or that Prince or republic in Europe, I applied to the secret service money of Great Britain."

bribe from a foreign prince.

That is Mr. Hastings' defence:—"I broke the law; I received money from Nobkissin; I received money from Kelleram; I received money from Sadanund; I received money from Dinagepore; from Nuddea; from the Wazir; but all this money I expended either in public services or in the secret services, as I state, of the Company, in the expenditure of which I was intrusted." No such plea would be endured. The answer would be plain and obvious—"You gained that money for the public in a scandalous way, derogatory to the public honour, and have rather aggravated than palliated your crime by involving the public in the dishonour and shame that belongs only to yourself." They would say that, as it was dishonourable to the public, so it was in an equal proportion unsafe for the public; for they would say that, if this or that Minister, or if this or that member of Parliament, presumes to take money in this way, and gives it to the public, how do we know but he has millions behind which he conceals under the favour of this which he discovers,—which he keeps for his own private purposes?

Defence of using the presents for the Company's service not applicable to all the cases.

In every view, the defence is rather an aggravation of the crime. But even that defence, such as it is, does not apply to all the presents he has taken; because, as to the only one which I have hitherto forborne to observe particularly upon—I mean the present from Nobkissin—he states—"I received it from Nobkissin; I offered to borrow it, he desired to give it me."

The present from Nobkissin.

There is an Act of Parliament, passed since the period to which I allude, and therefore which does not undoubtedly attach upon Mr. Hastings as an Act of Parliament, but which may serve as a comment upon past laws, and as a declaration of what is the meaning and the sense of the Legislature of Great Britain—there is an Act passed, which

says, that all demands for money in India of natives by Englishmen, under such circumstances, shall be considered as extortion. That Act of Parliament certainly did not attach upon Mr. Hastings; but when your Lordships consider that he was Governor General, that he applied and solicited for a loan from Nobkissin, and that Nobkissin chose rather to give him the money than to lend it either to him or the Company, whatever Mr. Hastings might conceive, there can be little doubt but that Nobkissin considered himself as a person upon whom extortion was committed. 7 JUNE 1790.

Why did Mr. Hastings take it? He says, because he was in great distress, and that his salary was not at that time paid. We have proved that, in this time, when he says his salary was not paid, he had an opportunity of remitting 20,000*l.* to Great Britain, a sum which makes two thirds of the present from Nobkissin. We have, therefore, proved that the pretence for that is false. But did he receive it for the benefit of the public? He tells you, no! He says fairly—"I took that sum of money to reimburse myself expenses"—expenses which you have allowed? no—"expences which you have expressly forbidden!" For I beg to put your Lordships in mind that we have brought in evidence before you a letter from the Directors subsequent to the Act of 1763, in which they state that they consider the salary of the Governor so complete a provision, exclusive of all other perquisit s, that they consider it as gratuitous to Mr. Hastings that they allow him even to occupy their house at Calcutta,—so far from allowing for employing an aid-de-camp and other contingent charges.

Plea of distress from salary not being paid.

Admission of appropriation of the money.

He states that he took it, and then tells the Company, in direct contradiction to his letter written three years before,—

"If you think this will be mischievous as a precedent, all I can say is, that it will be less mischievous than leaving me"—with all the merits which he gets to himself upon that occasion—"in the situation of a man who, having spent his life in the accumulation of crores for your benefit, is doomed in its close to suffer the extremity of private want and to sink in obscurity." *

With regard to the extremities of private want, we have proved to your Lordships remittances upon Mr. Hastings' account to the amount of between 200,000*l.* and 300,000*l.*, a

Answer to pretence of want.

* Extract from letter to the Directors, 21st February, 1784.—Printed in the Minutes of the Evidence," p. 1120.

7 June 1790. great part of which was remitted to his own attornies. In that very year we prove the remittance of 20,000*l.* We have also submitted to your Lordships a letter of Mr. Hastings, written three years before from Patna, in which he states that, if they will give him that 100,000*l.*, well and good; it will enable him to live with a splendour suitable to the situation which he has held; but he says, the time which they have permitted him to fill that government has enabled him to realise a fortune, with which he can be contented in a more humble station.

That is his description of his circumstances in 1782. From that time he enjoyed for two years longer, to the period of his letters from the Ganges, the same lucrative office. After having received this ample salary for two years more, he comes to tell your Lordships that he is reduced to the extremities of private want! I hope your Lordships do not imagine me to suppose, when I speak of remittances, what may be the circumstances of the defendant. I know they may be very far from good. I only show you, that, in that low way of taking it, they are not such as to any English mind give an idea of the extremities of private want. I mention this particular present because it is one which he professedly wishes to be applied to his own purpose, and which he puts in discharge of what he calls a contingent bill, unauthorised by the Company, directly contrary to what they state that the salary shall stand in lieu of the whole of, and which he confesses he had not intended to bring to the Company's account.

His consideration of the present as a discharge of contingent expenses.

In this respect he may be construed easily—"If these inquiries in the House of Commons,—if these terrifying charges of maladministration,—had not taken place, if all these circumstances had not forced me to make a discovery, if I had not been forced to discover to you what I received from Kelleram,—what Gunga Govind Sing received for me from Dinagepore,—if I had not been forced to give up all the articles"—which we state in this charge—"I should never have thought of this paltry account of 30,000*l.*; but, as I have been forced by all these circumstances to do it, I will keep as much of these presents as I can, and I insist upon this, Nobkissin's present, to pay me that for which I never thought of applying at all, and for which I can have no right to be paid." Is it not a sort of ostentation to say that he, an individual, would not have come upon the Company for

the payment of money which he was intitled to—an ostentation which he has complained of, and been in a manner very peculiary studious of avoiding? 7 JUNE 1790.

My Lords, the next subject upon which I have to speak to your Lordships is of a very peculiar nature indeed; it is contained in the fourteenth Article of these charges. We have coupled with this the charge of the fourteenth Article, because, though the guilt stated in the fourteenth Article is of a different nature, yet it is such as may in some instances throw light upon the present.

The succeeding charge contained in the 14th Article.

CONTINUATION OF THE SPEECH OF THE RT. HON. CHARLES JAMES FOX, MANAGER FOR THE HOUSE OF COMMONS, IN SUMMING UP THE EVIDENCE ON THE SIXTH, SEVENTH AND FOURTEENTH, ARTICLES OF THE CHARGE, RELATING TO PRESENTS; 9 JUNE, 1790.

9 JUNE 1790.

Fourteenth Article of the Charge.

MY LORDS,—At the time when your Lordships allowed me to leave off, on Monday last, I was about to draw your attention to that part of the evidence which has been laid before you during this session, and which relates to the fourteenth Article of this charge; to that subject I shall, therefore, now, with your leave, proceed.

The present not proved to have been accepted.

My Lords, it may perhaps be necessary to begin with observing that it may, on the first appearance, seem somewhat singular, that we should bring as a charge against Mr. Hastings a present which we don't prove he accepted, but which, on the face of it, it appears he refused; but, when you attend to the evidence which has been given on this subject, you will be convinced that all that is laid under the charge in the fourteenth Article is strictly true, and that it amounts to a considerable degree of criminality, added to that laid before your Lordships in the evidence on the sixth Article of charge.

The circumstances illustrative of Mr. Hastings' conduct in the other transactions.

But, at the same time, we are desirous of proceeding on this Article immediately subsequent to the sixth, because we conceive that the conduct of Mr. Hastings on the business of the fourteenth Article will serve to throw considerable light upon all his conduct respecting those circumstances which were charged in the sixth Article, and which I stated to your Lordships on Monday.

Present of ten lacs received from the Wazir.

His conduct in respect to it inconsistent with his station.

This Article relates to an offer made to Mr. Hastings by the Wazir, in 1782, of a present of ten lacs of rupees; and we think that the evidence before your Lordships will convince you that [his conduct] with regard to the present, though he appears in words to refuse it, and though we by no means pretend to prove that he did, in point of fact, receive the whole or any part of it, yet was such as was inconsistent with the duty of his situation, tending to set a bad example with respect to all the servants in India; and

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that, in the whole of the business, he was guilty of a very criminal neglect with respect to the Company's interests, and more particularly in not inquiring what had become of a considerable part of the money which seems, as far as we can collect from the evidence, to have been actually advanced, but which certainly, in the opinion of Mr. Hastings, was actually advanced, from the Wazir, for the purpose of this present.

Mr. Hastings' instructions to Major Palmer.

The first paper which we shall produce upon this subject, because it is the first authentic proof we have of the offer of any sum whatever, is Mr. Hastings' instructions to Major Palmer, which appears upon the consultations, not at or about the time in which those instructions were actually given, but considerably above a year subsequent to the period in which they were sent;—I allude to the consultation of the 21st of October, 1783, which is in page 1265 of your Minutes. In that consultation the Governor General says:—

"The frequent use which has been lately made of Major Palmer's name in the records of the late transaction at Lucknow, the assertion made by Mr. Johnson in his defence, that Major Palmer was at Lucknow in the character of a political agent, and the private suggestions which have been conveyed to me of misconstructions passed on the nature and object of Major Palmer's deputation, compel me to lay before the Board the original instructions which he received from me, and which, if I can trust to my own recollection and the rule of conduct which I have invariably prescribed to myself in cases of this kind, were both seen and approved of by the actual members of the Board. I own that it is with reluctance that I present them. They were not intended to be recorded; their primary object being more to quiet the mind of the Nabob, to whom I owed that return of attention for the honest attachment which he showed to me when he thought me in distress and my person in danger, than for any other purpose. This must account for the unapplied heads of memorandums with which the instructions conclude. I cannot at this time, were it necessary, explain them, but know that they were designed only to preserve his recollection of the loose and undetermined ideas which I had communicated to him in conversation respecting them."

And, my Lords, these are the instructions, which you will find in the subsequent page of your Minutes:—

"Extract of a Letter from Warren Hastings to Major William Palmer, dated Fort William, 6th May, 1782.

"'Fourthly,—The Nabob Vizier having, by an intimation made to Mr. Middleton in the month of February last, been pleased to express his desire to make me a present of ten lacks of rupees, and requested my previous consent and acceptance of the same, I desire you will make my acknowledgments in proper terms for this instance of his liberality and benevolence, and acquaint him that I am precluded from accepting it by

To decline the present for Mr. Hastings.

9 June 1790. many conditions, but by one especially, which I beg him to take in good part, namely, that, if I had received it at the time in which the tender of it was made, it would have been liable to constructions, even in his own breast, so repugnant to the disinterested friendship which I profess and bear towards him, that no consideration of personal profit could have induced me to accept it at such hazard.

If offered a second time, to accept it for the Company. If he should renew the offer to you, you will inform him that my objection remains the same, and is insuperable; but that, if he will be pleased to transfer it to the Company for the relief of their present and known distresses, I will accept it on their behalf with a thankfulness equal to that which I should have felt and expressed for the gift had it been made to myself, the wants of the Company being at this time of equal concern to me as my own. Let him understand this subject rightly, and he will see in my refusal thus qualified the most convincing proof of my friendship for him and regard for his interests.'"

Proof of the offer having been made in February, 1782. These are the instructions given to Major Palmer on the 6th of May, which undoubtedly prove the first fact which we allege, namely, that in the month of February 1782 such an offer was made to Mr. Hastings by the Wazir. We contend that the circumstance of this offer having been made so early in February through Mr. Middleton, as it appears,—though we have not before your Lordships, nor does it appear in any public proceedings of the Company, that there is any copy whatever of that letter from Mr. Middleton to Mr. Hastings which contains this offer,—we contend that, that offer appearing to have been made in February, and Mr. Hastings having taken no notice to Mr. Middleton of the subject, and making no answer till the 6th of May whether he should accept or refuse it, did set an example of the worst consequences to Mr. Middleton and all other persons acquainted with the transaction; leaving him with an idea that an offer of a present from the Wazir was an offer that Mr. Hastings might accept without any breach of duty to the Company, and thereby setting an example to Mr. Middleton and all others that, if such an offer were made to them, it was no part of their duty immediately and instantly to reject it.

(Margin notes: Made through Mr. Middleton. — Not noticed till 6th May. — Dangerous example in delaying its rejection.)

Impropriety of mode of rejection. We contend also that the very mode of rejection in this letter—all particular as it is and characteristic of this gentleman's peculiar manners—is also very defective; because the obvious reason that Mr. Hastings ought to have given for a refusal of this offer ought to have been, that he could not, by the law of his country and by the order of his masters, accept it. If he had made that proper answer to the Nawab, it would have been an answer beneficial to the interests of the Company and the good order and behaviour of their servants;

because it not only would have been a declaration to a considerable prince of that country that the servants of the Company could by no means accept the offer, a circumstance of which he was apprised, but it would have added an intimation of which he was not at all apprised—that the servants of the Company did mean to obey the laws of their country and the orders of their masters. 9 June 1790.

There are several circumstances to be observed in this letter, of a peculiar nature. He says that he is precluded from accepting it by many conditions, but he does not even, as I stated before, enumerate his duty as one of these conditions. He says that the acceptance of such a sum at such a time, even in the Nawab's own breast, carried some doubts of the disinterestedness of his friendship to him. It is hardly credible that this letter should have been written with respect to an offer made in February, when we have proved, and the defendant has repeatedly confessed, that, prior to that, when the Nawab was in so much distress as, in the defendant's opinion, to justify a measure which nothing in the world could justify—he had then, with all his disinterested friendship to the Nawab, accepted of a present to the amount of ten lacs of rupees—100,000*l.* Why he should imagine that to accept it at the time of the treaty of Chunar—at the time when the Nawab was stipulating for advantages to himself from Mr. Hastings—that to accept at such a period 100,000*l.* was a proof of the disinterestedness of his friendship, I shall leave to him to explain. I am sure it was not a measure tending to impress the mind of the Nawab with the idea with which it ought to be impressed—that the servants knew their duty too well to have anything to do with any gifts whatever. However, there is in the latter part of this [letter] a clause, i which he begs the Nawab to consider that he will accept it on behalf of the Company with the same thankfulness; he says,—

Previous acceptance from the Nawab of 10 lacs.

His proposal to accept the present on behalf of the Company.

"I will accept it on their behalf with a thankfulness equal to that which I should have felt and expressed for the gift had it been made to myself,—the wants of the Company being at this time of equal concern to me as my own. Let him understand this subject rightly, and he will see in my refusal, thus qualified, the most convincing proof of my friendship to him."

My Lords, it is evident by this that this letter comes from a person who has been in the habit of receiving presents, both from the Nawab Wazir and other persons in his situation; because he is so apprehensive that a circumstance

Indication of the habit of receiving presents.

9 JUNE 1790. which would appear so unusual and surprising to the Nawab —his refusing a present—should be considered by him as any mark of displeasure or any personal affront to him, that he thinks it necessary to use words of qualification and excuse, lest the Nawab should think this conduct, so new in Mr. Hastings, so extraordinary, so unexpected, was the result of any disinclination to him and his interest.

His general habit of concealing presents from his colleagues.

There are other very peculiar circumstances attending this present. In almost all those presents which I had the honour to state to your Lordships on Monday, however they differ in a variety of circumstances, with respect to the donors of them, with respect to the time and periods of their discovery, yet they have most of them one circumstance of similarity—I mean, that in no one instance did he ever communicate the receipt of any of these presents to any one of his colleagues in India, but in all of them, at some period or other, he boasts that he has communicated them to the court of Directors. Was that a conduct of pure caprice or a conduct arising from guilt? He must state it to be a conduct arising neither from guilt nor caprice, but arising from an idea, prevalent in his mind, that the communication of these presents to his colleagues in India must be mischievous, and that the communication of them to the Directors in England was less exceptionable. He gives a reason for that which I do not well understand; but at the same time Mr. Hastings, I suppose, understood what he wrote, and supposes there is some force in it.

His pretended motive of wishing to avoid ostentation.

My Lords, in this letter from Cheltenham, which is in page 1152 of your Lordships' Minutes, he gives this reason; he says—"Nor do I know how I could have stated it" —that is, the money he had privately received—"without appearing to court favour by an ostentation which I disdained." I never did understand the meaning of that sentence; but if it has any meaning—if Mr. Hastings was afraid of courting the favour of his colleagues by an ostentation which he disdained—if he was afraid of that with respect to all the presents which I stated upon a former day—why was he not afraid of that upon this present?—and why does he, upon this occasion, make his boast that at the earliest opportunity he did convey to his colleagues the offer of this present? He certainly does convey it to Major Palmer, but he boasts afterwards that he did, at an earlier period, convey the information of this to Mr. Macpherson and his colleagues.

His communication to them of the Wazir's offer.

9 June 1790.

"Nor without the chance of exciting the jealousy of my colleagues by the constructive assertion of a separate and unparticipated merit, derived from the influence of my station, to which they might have laid an equal claim." I do not pretend to translate or to explain these words; but, whatever it was that he feared—namely, "the chance of exciting the jealousy of his colleagues by the constructive assertion of a separate and unparticipated merit, derived from the influence of his station"—why did not the fears of this danger, whatever it may be, which I do not profess to understand—why did they not operate with regard to this present of February, 1782? and why did he act on that occasion in diametrical opposition to all the principles he has laid down as a justification for his conduct upon former occasions? And, instead of writing to the court of Directors, as he did upon former occasions, and withholding that from his colleagues, why follow a precedent directly the reverse—communicating it to his colleagues and withholding it from the Directors?—for I do not know, excepting those instructions which appeared near eighteen months after the transaction, any instance in which he has communicated to the court of Directors the proposal of this present.

Inconsistency of conduct.

I urge this in order to show that, if there was any ground—if any man could conceive that there could be any substance, or any shadow, or anything like a justification, in all the excuses and reasons Mr. Hastings has given for his conduct upon the former presents, all these must vanish when you come to observe his conduct upon this present, which is diametrically opposite and contradictory to all the rules—strange and absurd as they were—which he laid down as to money privately received for the use of the Company. And there is this distinction, that in all the other presents he says—"The only way to benefit the Company by these offers was to accept them for myself and conceal the receipt of them from my colleagues; first to take them to my own account, by a deposit or by a bond, and afterwards credit them to the Company, either by cancelling the covenant, endorsing the bond, or crediting them to them in the Durbar charges." Why take a different course—I acknowledge it is a better course—in this instance? He says directly to the Wazir—"Give it not to me, give it to the Company." That is a much better course of proceeding, if he had gone on in it in a steady manner. But, if it is possible for him to say that with regard to the Wazir's

9 JUNE 1790. present in 1782, why could not he have said the same as to the present of 1781?—why not have said the same with regard to the other presents I stated on a former day?—why not have acted in the plain manner in which for once he seems to have acted in his return to the Wazir's offer?

My Lords, the part which I have stated hitherto is chiefly for these two purposes—first, as I stated before, to show the bad example which he set to all the servants of the Company under him; secondly, to show the inconsistency of his conduct upon this occasion with his conduct upon all other presents. But a further reason arises, which was offered in evidence in the course of last week, and to which I shall now call your Lordships' attention.

Mr. Hastings' displeasure against Middleton and Johnson.

In the year 1782, somewhere, I believe, about the month of August, Mr. Hastings was much displeased with the conduct of Mr. Middleton and Mr. Johnson—with that of Mr. Johnson particularly, whom he sends for to answer to charges which he states to be of the most important kind: and he considered it as a matter of such importance, and Mr. Johnson to be in such a situation, as justified him in ordering him to be brought down to Calcutta under a guard with fixed bayonets.

His charge against Johnson of counteracting the design of the Wazir to transfer the present to the Company.

One of the articles of charge against Johnson appears to have been that he counteracted this design of Mr. Hastings, which was, to convert the present, intended by the Wazir to Mr. Hastings, into a subsidy to the Company; that he, by persuasion to the Nawab and his minister, had influenced the Nawab not to comply with his desire of transferring that present from Mr. Hastings to the Company. Upon this, Mr. Johnson enters into a defence, which is in page 1267 of your Lordships' Minutes. His defence upon this part of the charge, which I see was the third charge exhibited against him, is this—he admits the fact, but justifies it.

Johnson's explanation.

"The act and intention, as far as I shall limit them, in admitting myself the cause of preventing the ten lacks mentioned from being at that time paid to the Company, are true. The reasons assigned for such prevention—'lest the Nabob should be again harassed,' &c.—are the minister's own words,—and objections made to me are transferred into my mouth. The mode also by message is likewise misrepresented; but that is immaterial. Suffice it for me to explain the act. I acknowledge fifty lacs were due in balance; all the Nabob's resources not promising to prove equal to discharge this balance, a new claim was, at the same instant, made of eighty-two lacks. The resources in my hands—the sole fund existing to answer both—the means [being] unequal to this end, the question remained, which of the two claims—the new or the old—should be first paid."

Balance of 50 lacs due from the Nawab.

A new claim made of 82 lacs.

Insufficient resources.

9 June 1790.

Your Lordships are to understand that these ten lacs make part and parcel of that eighty-two lacs—

The 10 lacs offered as a gift part of the 82 lacs.

"I did not hesitate one instant to declare that, if any of the assets placed in my hands should be attempted to be estranged from the purposes for which they were assigned, I should declare it a breach of treaty. They were to discharge the balances of years. The sole object of the late treaty and all the measures connected with it had this single point for their end. Could I, deeply pledged for the fulfilment of this treaty, subscribe to the total subversion of these measures, at the very moment of their completion in the termination of the year prescribed and allotted for their operation? I could not. I ought not. Therefore, I thus obstructed the whole,—of course the parts of that whole,—for the reasons above assigned, and no other whatever. Whether such a preference so given to a previous claim was criminal or meritorious, rests with the honourable Board to declare, when they recollect that retarding neither expunges or diminishes a claim. Permit me here to subjoin, had the ten lacks been uninvolved with the seventy-two, or had the aggregate sum not been required within the period left for liquidating the balances entrusted to me, or had not the assets lodged in my hands for this purpose been the sole funds from which such payment could be attempted, so far from impeding, even for a moment, such a claim, I should have been the first to support and urge it to its completion."

Objections made to interference in the payment of the first balance.

Here your Lordships will observe that Mr. Johnson does defend himself upon very good grounds—that, there being assets in his hands to discharge the old debt from the Nawab to the Company, he would not suffer a new claim to come, knowing that these assets were all the assets in the Nawab's power. But this he speaks of with regard to the large claim of eighty-two lacs, seventy-two of which were for distinct purposes; and he freely and candidly confesses at the end—"If these ten lacs had been uninvolved with the seventy-two, or had the aggregate sum not been required within the period left for liquidating the balances entrusted to me, or had not the assets lodged in my hands for this purpose been the sole funds from which such payment could be attempted, so far from impeding, even for a moment, such a claim, I should have been the first to support and urge it to its completion." Upon this the Governor General delivers himself—

Declaration that he would have supported the claims to the 10 lacs, if separated from the larger sum.

"I am morally certain that jaidaads or assets for ten lacks, either in assignment of land or bills, had been prepared and were in the charge or possession of Mr. Middleton, before Major Palmer's arrival, and [were] left with Mr. Johnson on Mr. Middleton's departure. This sum was declaredly given for my use, but never accepted by me. The only advantage I made of the offer was to request the Nabob to transfer it, with the obligation still resting with equal weight upon my gratitude for the original destination of it, to the Company, for the relief of their pressing necessities."

Mr. Hastings' answer that assets for 10 lacs had been provided and left with Johnson.

By jaidaads I understand are meant assignments. Mr. Hastings here, in answer to Johnson's defence, says—that

9 JUNE 1790. this is not a claim to be provided for by the Nawab, but that he is morally sure that jaidaads or assets, of some sort or other, were in Mr. Middleton's possession, and afterwards in Mr. Johnson's possession; which, if true, Mr. Johnson's defence is indeed a very bad one; because, if these had already been made out for that purpose, Mr. Johnson must have had them in his hand, and was accountable for the disposition of them, and had no excuse to plead whatever for either not accounting for them to the Governor General, for whom originally they were destined, or to the Company. He goes on,—

His admission that the payment might have distressed the Nawab, and not benefited the Company.

"The rectitude of this transaction depends essentially upon principles which every man feels and acknowledges in his own breast, but can hardly be judged by the test of any official rule. It might, indeed, have added to the Company's claims on the Nabob; so that I am not sorry that Mr. Johnson chose to defeat my intentions, since it would have added to the Nabob's distresses, but with no immediate relief to the Company."*

Here the Governor General confesses to have been very uncertain whether it would be beneficial or not to the Company; for, when he has accepted them from the Nawab, when he desired the Nawab to transfer them to the Company, when he accused Mr. Johnson for having dissuaded him from that, he says he thinks it was a good thing in Johnson, because "it would have added to the Nawab's distresses, but with no immediate relief to the Company." He is very easy at that intention being defeated, and declares, upon the whole, that it is much better defeated than if it had succeeded. With respect to the accusation against Johnson, he is a liberal judge upon this occasion; and he would be contented that the trial of him[self] in this House should be exactly as serious, as much in earnest, and proceed upon principles as judicial, as those of the trial of Johnson by him; because he concludes with saying—

Refers Johnson to the judgment of his own conscience.

"If, in his own breast"—Johnson's breast—"he can view the secret motives of this transaction, and on their testimony approve it, I also acquit him, as I do acquit him, of the charge on public ground."

Inconsistency in the disposal of the charge.

He pretends to be in a rage with Mr. Johnson—sends for him down with fixed bayonets; and one of the principal articles of charge against him is this—that he, Johnson, having, as he says, in his hands assets—no matter of what

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* Observations of Mr. Hastings on Mr. Johnson's Defence; 21 Oct. 1783. —Printed in the "Minutes of the Evidence," p. 1,268.

kind—being for the purpose of discharging not the old debt but new—assets made out and given to him for the purpose of furnishing this present of ten lacs—instead of applying these assets in the way he ought, and instead of desiring the Nawab to fulfil his engagements and make them up to the sum of ten lacs, has dissuaded the Nawab from doing that which he, Mr. Hastings, had persuaded him to do for the sake of the Company. Johnson in his answer represents it with more truth, in some respects, as I shall show by and by. He represents it to be entirely a new claim, for which there were no assets whatever provided, and the furnishing of which was altogether to fall upon the assets which were in Johnson's hand—not for the purpose of the present of that ten lacs, but for the purpose of discharging the old arrear to the Company. What does Mr. Hastings? He says—"Upon the whole, it is not amiss that my scheme has failed. If Mr. Johnson looks at the motives of his own breast and they acquit him, I must acquit him." Exceedingly handsome and candid to Mr. Johnson! But how he can put it in that manner is extremely difficult to conceive, when he has said, that, notwithstanding all that Mr. Johnson has said, he is morally certain that jaidaads or assets for ten lacs, either in assignment of land or in bills, had been made out; that is, that Johnson had in his hands money for this object of which we have heard no more. 9 June 1790.

Mr. Hastings' opinion upon this subject is strengthened by Mr. Macpherson. Mr. Macpherson says, in a minute upon the same occasion, alluding to the communication he had of this transaction from the Governor General at the time—"I had understood at the time that the ten lacs were in bills, and not a mere offer to pay such a sum from the future revenues of the country." So that we have not only Mr. Hastings' opinion, that he is morally certain that the assets were made out at the time of the offer, that is, in February, 1782, but we have Mr. Macpherson's opinion, who had good communications from Mr. Hastings, who says, not only that he thinks so now, but that he had understood so at the time. Upon these grounds Mr. Macpherson is not so ready to acquit Mr. Johnson as Mr. Hastings. Mr. Macpherson observes that that is a matter that should be settled between Hyder Beg Khan and Mr. Hastings. Mr. Macpherson says it should be referred to the Directors. Mr. Hastings says so too. Statement of Mr. Macpherson that the 10 lacs were in bills.

9 June 1790.

Formal reference of the case to the Directors.

Mr. Johnson writes a letter to the secretary requesting a decision on the third charge, without reference to the court of Directors. They direct this answer by the secretary—

"I am directed by the Honourable the Governor General and Council to acknowledge their receipt of your letter of the 31st ult., in answer to which, as well as to your letter to me of the 4th instant, I am ordered to acquaint you that, the reference in your case to the Honourable the Court of Directors being intended to be made upon those general principles by which all the acts and proceedings of this Government are referred, in course, to them for their final approbation and confirmation, it stands as follows in the Board's General Letter to the court of Directors."

Therefore he does plainly acquaint this gentleman that he need be under no uneasiness; for, though referred to the court of Directors, it is only referred "in course," as all other transactions of the Board are,—that he is considered upon that charge as acquitted. Mr. Hastings was certainly of the same opinion. In page 1269 of your Lordships' Minutes, he says:—

"I perceive that Mr. Middleton has alluded, as Mr. Johnson has done, to certain unexplained claims made on the Nabob Vizier by Major Palmer, amounting to eighty-two lacks of rupees. As neither explain them but speak of them as points of undoubted credit, I think it proper to declare my doubts and disbelief of them—"

He declares he does not believe the fact of any claim to the amount of 82 lacs, or anything like it:—

"and to assign my reasons, as far as I can, in remote recollection of the little which I have ever known concerning them. Ten lacks of this sum have been explained by me to relate to a provision to that amount actually made, and, as I have ever understood, delivered to the President for its destined appropriation."

Persistence of Mr. Hastings in considering the payment of the 10 lacs as provided for.

So that Mr. Hastings, in his minute upon Mr. Middleton's defence, persists clearly in that opinion which he held upon Mr. Johnson's defence—that he is clear that it was not a mere promise or an offer, but relates to a provision to that amount actually made, and, as he understands, delivered to the President. Here is another breach of duty which we point out to your Lordships—and I am sure you will think it no inconsiderable one—that when he, the Governor General, was convinced that assets had been actually given to Middleton, and which were in the hands of Johnson, for ten lacs—when he declares, in his minute upon Middleton's defence, that provision had been actually made for it—then he dismisses that entirely, leaving it in the hands of these gentlemen, and, for anything we know, participating in whatever provision had been made upon the subject.

Breach of duty in leaving the assets in the hands of Johnson and Middleton.

There are so many circumstances with regard to the trial of Mr. Johnson that cause a suspicion upon it that they are worth your Lordships' attending to. Mr. Middleton was then at Calcutta; and yet Mr. Middleton, who could have best then thrown a light upon this business, who was the original proposer of the present to Mr. Hastings, who was the person who had originally received these assets—if any such were given—Mr. Middleton, who was Resident at Calcutta at the time Mr. Johnson was accused of having defeated the Governor's intention upon that point, is never called to give any evidence upon that subject. And not only Mr. Middleton is not called, but Mr. Hastings, who declares that he does not believe in these large amounts of eighty-two lacs and the other demands on the Wazir, had actually in his hands, at that time, a letter which he had received from the Wazir, which does prove that these demands were actually made, and seems to prove that these ten lacs, which he states as a present voluntarily offered by the Wazir, were not a present voluntarily offered, but that they came in the shape of a demand from the Wazir by the Company—if it is the same. If not, which I may perhaps believe, then, exclusive of the ten lacs which the Nawab had actually provided for as a present to Mr. Hastings, there seems to have been another demand of ten lacs for the Company. Whatever you can make out of this dark and intricate affair, your Lordships must still think that there could be no justification whatever of Mr. Hastings, upon a trial of so important a point as this was with respect to Mr. Johnson's criminality, that he should have had Mr. Middleton in Calcutta and should not have examined him, and have had this letter of the Nawab, which I am now about to produce, and should never have produced it.

9 June 1790.

Neglect of taking Middleton's evidence in the trial of Johnson.

Mr. Hastings in possession of a letter of the Wazir proving the demand of 10 lacs.

This letter from the Wazir was received fourteen months before the trial of Johnson upon this charge, and was, one should have thought, a pretty material letter with respect to this charge; yet produced it never was, nor ever did appear among any of the Company's papers till after Mr. Hastings' departure from Bengal. It is in page 1271 of your Lordships' Minutes.

"From the Vizier, received the 23d of August, 1782." "Major William Palmer and Mr. Davy have made known to me your orders respecting my authority in the country, with great regard and consideration, and have made me grateful for your favours. They asked for a paper of requests, which I, accordingly, wrote and gave to them. They afterwards spoke about ten lacks of rupees for the expenses of the

Letter of the Wazir.

Ten lacs demanded of him.

9 JUNE 1790. sircar of the Company: next they spoke about four regiments that I should employ from the Company's troops in the sebundys of my country. Respecting these two articles, although I have no power, yet as Major William Palmer repeatedly said that this would be giving pleasure to the Nabob—meaning your Highness—being remediless, in obedience to your will, I wrote a letter to Major Palmer in the manner I agreed to, from which you will become acquainted with it."

Your Lordships will observe upon this, that the Wazir does not seem to have understood this as a proposition to him to convert ten lacs which he had already provided to a different use and purpose than that which he had provided it for, but he seems to consider it altogether as a new proposition; for he says that, after they had asked for a paper of requests, they spoke about ten lacs of rupees for the expenses of the sarkar of the Company. He does not say—"they spoke about ten lacs which I have already provided for and given to the Governor General, and desired they might be otherwise appropriated," but—"they spoke about ten lacs for the expenses of the sarkar"—to which he agreed.

Demand of 60 lacs on loan.

"They now say that, as important matters are in hand for the expenses of the Company's Sircar, I must give sixty lacks of rupees by way of loan; that either I must borrow it from the merchants and from my relations, and take a bond, or give assignments on the country. After two years, when this matter shall have been settled, that money shall be repaid my country, and the property shall belong to your Highness. To the utmost of my life I am not backward in the Company's affairs and your Highness' pleasure. By the blessing of God, you are wise in the times;—the full particulars of my country are not concealed from you. How shall I make known my situation? From the time that these propositions have been made, all judgment has left my mind. After the death of the deceased Nawab, on account of the greatness of the expenses of the army of the sircar of the Company which was here, I supported myself in a manner that I cannot describe. I never found resource equal to the necessary expenses. Every year, by taking from the ministers and selling the articles of my karkhanna, I, with great distress, transacted the business. But I could not take care of my dependents, so that some of my brothers, from their difficulties, arose and departed, and the people of the Khord Mahault of the late Nawab, who are all my mothers, from their distresses are reduced to poverty and involved in difficulties. No man of rank is deficient in the care of his dependants in proportion to his ability.

"Notwithstanding the existence of these distresses, I am thankful and ready to satisfy you; but never was the money of the tuncas for the brigades, &c., received without a balance from the jaidad of the Company; and yet the gentlemen, to the utmost of their abilities, were guilty of no neglect in taking assignments and collecting the money. This year that you, from your goodness, having discovered the state of my distresses, recalled the brigade and battalions, and granted me an engagement that all matters should be as in the time of the deceased Nabob, I

took my mother, and discharged the balances to the Company's Sircar, as they appeared from my Board. Many years are required to relieve me from the former distresses. I know that, as you, from real affection, had released me from the weight of expenses, I should have some small relief from the necessary expenses at this time when propositions are brought forward. My brother and companions, from the resumptions of the jagheers, are reduced to great affliction and distress. From the mahajens of this town, should I request the loan of one or two lacs of rupees, they cannot give it, having no resources. I have never been deficient in the friendship of the Company and obedience to your pleasure. I have looked upon my difficulties as a cause of satisfaction, and am always ready to execute your commands. In these propositions I am astonished and confounded at my bad fortune, that I should have such a compassionate friend as your Highness, and be involved in such a situation. What answer can I give, and how can I support my life? 9 June 1790.

"Difficulty with your favour becomes easy; what is easy, by your neglect becomes difficult. Night and day pass in grief and affliction. Either make loose my difficulties, or else call me to your presence. I will reside with your Highness, and whenever you shall give me my dismission with the favours and affection which belong to you, I shall return to my country and be released from continual affliction."

His appeal to Mr. Hastings' friendship.

My Lords, I particularly desire you to attend to that sentence, where he says,—

"I am astonished and confounded at my bad fortune, that I should have such a compassionate friend as your Highness, and be involved in such a situation."

Confiding in the bribes given him.

Astonished, my Lords, he might well be, because he conceived himself to have given a bribe to Mr. Hastings, in the month of September, at Chunar,—because he conceived himself to have offered another bribe to Mr. Hastings in the month of February, 1782; and he says in different parts of this letter—"when these propositions were made, after all I had paid to the Company!" He says—"from the time that these propositions have been made all judgment has left my mind"—"I am astonished and confounded at my bad fortune, that I should have such a compassionate friend as your Highness, and be involved in such distress;"—in plain English—"I am astonished and confounded that you, whose forbearance I thought I had bought, first with a bribe of 100,000*l.* in September, and now with an offer of another 100,000*l.* in February, should still press upon me the demands of the Company, in this enormous and extravagant degree, which bring me to the very brink of ruin and distress."

Mr. Hastings' assertion of ignorance of the claim of 70 lacs.

This letter Mr. Hastings has, and yet he never produces it at all on the trial of Mr. Johnson. And he says, in his minute upon Mr. Middleton's business, that, with respect to those claims to which Mr. Middleton, as well as Mr. Johnson,

9 JUNE 1790. have alluded—the seventy or eighty lacs—that, with respect to these claims, he must say he does not believe in them; he only knows of ten, and he thinks that that claim of ten was not only offered but actually provided. This he says having this letter, and not producing it in evidence.

Proof that the Nawab did give the 10 lacs.

But when you read that the charge against Mr. Johnson is, that he did, in point of fact, dissuade the Nawab from giving to the Company that which Mr. Hastings had desired him to give, your Lordships will at least suppose that, whether dissuaded by Mr. Johnson or by Hyder Beg Khan—as that matter is left to be settled between them—at least he had been dissuaded by somebody. Now, it will appear from this letter, that, so far from being dissuaded by anybody, the Nawab actually does give them the money. He says:—

"On the subject of ten lacks of rupees you repeatedly have said that the Nabob Governor's pleasure is that I should give them for the expenses of the Company's sircar. The Nabob Governor's will is binding upon me; I can make no excuses. Take ten lacks of rupees for the expenses of the Company's sircar. But you have said that, if I am willing to assist the affairs of the Company's sircar, you will fulfil my requests, agreeably to the paper, as the Nabob Governor's permission is arrived. With respect to the two points of which you have spoken, I agree to both of them, and will give for the expenses of the Company's sircar ten lacks of rupees this year, and six lacks of rupees yearly in lieu of regiments, upon condition that I obtain my requests and authority. It is proper that you adjust my requests agreeable to the paper upon which the Nabob Governor has given orders, and restore me to the management of every concern."*

Then it appears that, in point of fact, the whole of this part of the charge against Mr. Johnson is entirely false; because it appears that, in point of fact, neither he, nor Hyder Beg Khan, nor any one else, did dissuade the Nawab from granting this money; but, in point of fact, he had been persuaded to it, and he actually offers it. But it is true he offers it under certain conditions—he offers it under the conditions of a request, which, he says, he has been encouraged to make from the Governor.

The 10 lacs demanded was the sum offered in February.

Supposing this was a demand of a new ten lacs or of the old ten lacs—a matter which I profess myself not to be able to decide—but supposing it the old ten lacs offered in February, it is perfectly intelligible. Mr. Hastings sends to the Nawab and says—"You offer this present, which is kind; give it to the Company, not to me, and I

* Copy of letter from the Nawab Wazir to Major Palmer, dated 19th Shabrun; enclosed in the previous letter. "Minutes of the Evidence," p. 1272.

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will be as grateful as if it was given to myself." The Nawab says—"Take all these things, but then grant me a paper of requests which the Governor has declared his approbation of:"—that is—"Let me see the Governor's gratitude in the same way as I should have seen it if this had gone to his own pocket, instead of the purse of the Company."

Reflections on Mr. Hastings' acquittal of Johnson.

Mr. Hastings does not produce this letter. Mr. Hastings does not produce Mr. Middleton's evidence. He acquits Mr. Johnson upon the third charge, declaring that he is morally certain his assertions are false—that he is morally certain that those assignments were made out—but if, on appealing to the motives of his own mind, on their testimony he approves it—"I must acquit him." It is a candid acquittal—acquitting a man in this way; saying—"I am satisfied he has told a falsehood; I am morally certain of his guilt!" Though, for want of evidence, one might be induced to acquit such a person, yet one would not suppose that a person, who was morally certain in his own mind of his guilt, should consider him as an object of favour: but Mr. Hastings, in a very short time after, employs Mr. Johnson in a most lucrative, important and trustful, office—the office of an ambassador to the Nizam—showing clearly that all this complaint of Johnson, all this trial, was a farce.

His subsequent employment of Johnson.

His neglect to obtain account of the 10 lacs for the Company.

But this, at least, we collect, from his bringing none of the evidence that it was necessary to bring—that this was, at least, true,—that Mr. Hastings knew that certain sums of money had been received, and he took no care for the Company that that money should be any way accounted for whatever.

Conjecture of sinister settlement between Mr. Hastings and Johnson.

I do not like to hazard a conjecture of what I cannot prove; but, if it be true that these assets were ever made out and ever given to Middleton and Johnson, then the matter may be explained in this way—that, being told that the assets were made out, and hearing no more of them, he might be angry with Johnson thinking he had appropriated them to his own use; Johnson might apply to Mr. Hastings, and Mr. Hastings and he might settle it together in any manner your Lordships can conceive. But that something was settled in a sinister manner appears clear upon the face of the thing; for it is impossible that any Governor could have made such a charge, that he should remain convinced, notwithstanding Johnson's asseverations, that that is the fact, and that he should immediately employ

9 JUNE 1790. him in an office of great emolument, and great trust and confidence: and, besides that, he did not bring any evidence which was applicable to this third charge against Johnson, having all that evidence in his hand.

Answer to the assertion that the Wazir's letter might have been procured from the proper office.

I am aware, with respect to this letter of the Nawab, that Mr Hastings has said, in his replication to our charges, that that letter was in the proper office and might have been produced. But we contend that we have produced ample and sufficient evidence that that letter was not in the proper office, and could not be produced by any other person than him, Mr. Hastings; to which evidence I will now, with your Lordships' leave, call your attention. This evidence was given with respect to another charge, and therefore you must go back to the printed Minutes of the year 1788, where you will find them in page 799:—

"At a Council at Fort William, 19th February, 1785. Present, etc.

["The Persian translator attending in obedience to the Board's orders, reports, that since the end of the year 1781 there have been no books of correspondence kept in his office, because from that time until the late Governor General's departure he was employed but once by the Governor General to manage the correspondence, during a short visit which Major Davy, the military Persian interpreter, paid by the Governor's orders to Lucknow. That during that whole period of three years he remained entirely ignorant of the correspondence, as he was applied to on no occasion except for a few papers, sometimes sent to him by the secretaries, which he always returned to them as soon as translated. The Persian translator has received from Mr. Scott, since the late Governor General's departure, a trunk containing English drafts and translations, and the Persian originals of letters and papers, with three books in the Persian language containing copies of letters written between August, 1782, and January, 1785; and if the Board should please to order the secretaries of the General Department to furnish him with copies of all translations and drafts recorded in their consultations between the 1st January, 1782, and 31st January, 1785, he thinks that he should be able, with what he has found in Captain Scott's trunk, to make up the correspondence for that period.]

"Signed, EDWARD COLEBROOKE,
"Persian translator." *

The letter not in the Persian translator's office.

From this we prove that the assertion of Mr. Hastings in his reply is perfectly false and unfounded, for that it could not be in the proper office—the Persian translator's being the proper office, and he declaring that during the whole period no such papers were in his office whatever—that they were transacted through another channel, and that the only way in which he could make out the Persian correspondence was from a trunk given him by Major Scott, who, we con-

* Printed in the "Minutes of the Evidence," &c., p. 799.

tend, was not a public officer but the private agent of Mr. Hastings. In that trunk was this paper; and by no means but through Mr. Hastings himself could it come to the Board.

I should hope that, upon these grounds, we have fully made out to your Lordships the second point of criminality which I stated. The first is the bad example set the Company's servants; the second being, not only the bad example set by this mock trial, but a criminal negligence in bringing to that trial persons whom, according to his own statement of the business, he considers and is morally certain to have had in their possession assets, given originally for him but destined by him to the Company, and which, it appears, they in no shape ever produced.

Circumstances of aggravation.

Let me say a word or two upon the circumstances of aggravation and the concomitant circumstances which throw much suspicion upon them. In the first place, would it not have been fit that, in an offer so suspicious as this of the ten lacs, it should have appeared, somewhere, through whom that offer was made? He says it was through Mr. Middleton. Why is Mr. Middleton's letter conveying the Nawab's offer kept secret? Why has not it appeared upon the Company's records? It is not in a situation to be produced to your Lordships at this moment. Secrecy in these matters is, to a considerable degree, a presumption of guilt.

Secrecy as to the channel of the offer.

Date of the transaction.

I would wish to call your Lordships' attention to a material part of the evidence, which is—the date of this transaction. He says the offer was made to him in February, 1782: the letter in which he makes the discovery of the 100,000*l.*, the first present from the Wazir, is dated from Patna, the 20th of January, 1782. But, my Lords, we have proved that that letter did not leave Calcutta till the latter end of February, and that Mr. Hastings had arrived at Calcutta on the 5th of February. Therefore it is almost certain—I allow there is a bare possibility [of its being otherwise], by a few days—but it is almost certain, that Mr. Hastings had actually received the intelligence of the offer of this second present at the time he sent away his letter giving an account of the first. But it matters not to me whether he had or not. In that letter of the 20th of January, he speaks of a present from the Wazir, desires the Company will give it him, but promises that whenever it is completed he will send them an account of it—a promise which he afterwards says entirely escaped his recollection. But, Mr. Larkins putting him in mind of this promise, he goes beyond his

Omission of the 10 lacs, in his account to the Directors of all presents offered him.

9 JUNE 1790. promise; he says—"I thought it right, not only to send that which I promised, but all that was consistent with the spirit"—as he calls it—"of that promise." Under the idea of performing not only the letter but the spirit of that promise, he sends an account of a variety of different sums, all received at different periods, and having no connection whatever with that present he had received from the Wazir.

Now, he having carried the spirit of that promise so far—which promise was simply to give an account of the ten lacs which he had received in consequence of a present from the Wazir, in the month of September, at Chunar—he having carried it so far as to say that it included a kind of necessity in him to give an account of all the money he had received—would your Lordships conceive that within that great range and great circle this latter circumstance would not have fallen, that, within a few days after sending away that account of that present of ten lacs, he had received an offer of ten lacs more, to which he did not give an answer, at that time, whether he meant to receive it or not? One would have supposed he would have thought it necessary to say—"ten lacs more were offered, which I shall not receive for myself, but take for your account, or which I shall refuse." There is no mention made of these sums!

His object to confound the two presents.

If I am asked, for one, how I account for this silence, I must own I cannot account for it upon any principle—as I said upon a former occasion. But yet, there is a kind of suspicion that, in informing the Directors of one present and concealing that from his colleagues, and at the same time informing his colleagues of another present which he concealed from the Directors, he might think it possible for him to establish a kind of confusion and mistake between the two presents, and that, in fact, Mr. Macpherson having been informed of one and the Directors of one, that it should be supposed that they were one and the same present, and that, if the Directors should be disposed to give him one, he might conceal and put the other in his pocket.

Suspicion resulting from all the circumstances.

The whole of this transaction is involved in mystery which is out of my power to unravel, but which I submit is matter of great suspicion. His conducting the charge against Johnson and Middleton in the manner in which he did conduct them—his expressing that he was morally certain that assets to the amount of ten lacs of rupees were in the possession of Johnson or Middleton, and suffering this sum to

remain in their possession—was showing an indifference about the Company's property which would be blameable to the last degree in any inferior servant, but which, in the situation of a Governor General, in my idea, amounts to a high crime and misdemeanour. 9 June 1790.

Inconsistency of conduct in respect to other presents.

We have shown this to be attended with mischievous circumstances of every kind, and have shown that every pretence upon this present is directly at war with, and in hostility and enmity with, every pretence he has set up for his conduct upon former p esents; for if, in former presents, he did right to keep them from his colleagues, in order that he might not excite their jealousy by the constructive assertion of a separate and unparticipated merit—if all that was so formidable, as he states it to be—all I can say is, that all that danger and mischief he did directly incur with respect to this present. I do not lay the communication as a complete crime, but that it shows that he might safely have communicated all the rest to his colleagues, and that all the reasons he gives for withholding the former presents from his colleagues have no truth in them, but are only pretences invented since, which he did not believe, but which pretences were set up to justify a conduct much more easily explained upon the more obvious ground of his having intended to keep these presents originally to himself.

Want of honesty in money transactions.

There is one trait runs throughout all his conduct with respect to receiving money. It was said by a great orator of a great statesman and general, "*in rebus publicis nihil simplex, nihil apertum, nihil honestum;*"—a very great charge upon any man in his public concerns, and a charge much heavier when applied to Mr. Hastings in his pecuniary concerns; for I do not know how a character or description can be given of a dishonest man more completely than this—that in all pecuniary concerns there is never anything plain, anything open, or anything honourable. That is the character of Mr. Hastings in these pecuniary concerns which I have stated, and in this very present which he has refused. There are many traces of that obliquity, that concealment and that mystery, in this present which we cannot prove him to have accepted, as in all those which he has accepted; and it is fortunate for us in this instance, because it serves to prove that all he sets up upon the other occasions were pretences, which he treated with the same contempt as your Lordships, and every one who has heard of this case, I believe, has universally treated them.

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The 7th Article of the Charge.

I have now drawn your Lordships' attention to every part of the fourteenth Article, to which, at this day, I have any intention of drawing it. I now come to that part of the seventh Article upon which we have produced evidence this year before your Lordships.

Administration of the revenue.

Connection of the charge with that of bribery.

The presents charged taken from renters of land.

My Lords, I now come to the subject of the administration of the revenue. To those who are ignorant of the whole of this great cause this might seem, upon the first view, to be a very distinct and separate Article from the sixth, which contains matter of corruption and bribery; but to your Lordships, who have undoubtedly adverted to the evidence, as it has occasionally been laid upon your table, it is not necessary to explain that they have a very close and a very intimate connection; because I am sure your Lordships have not forgotten—and therefore it will not be necessary for me more than cursorily to remind you—that the presents which were produced on Monday were not presents taken from princes, commanders of armies—in any shape political presents—but were presents taken from renters of land, under the idea, some of them, of a peshcush—supposed to be a better word for a bribe, because it also means a fine—presents taken on the subject of the revenue—and that nearly one half of the presents we have proved were taken, in some shape or other, from renters of land. Your Lordships have not forgotten the names of the persons concerned in these transactions. You have not forgotten the name of Crofts, the name of Anderson, nor still less have you forgotten the name of the illustrious Gunga Govind Sing, who appears in almost every part of Mr. Hastings' transactions with respect to money. When you advert to every part of this charge—when you see these well-known names again—upon the first view of them, you will be led to suspect what you will afterwards find proved.

The appointment of amins, and the destruction of the provincial Councils.

The two points which I mean to press as criminal points upon the subject of the revenue are, the appointment of amins, in the year 1776, and the destruction of the provincial Councils and the substitution of a committee of revenue in their stead, in the year 1781.

Difficulty of referring to the evidence on amins.

With respect to the institution of amins, we gave your Lordships in evidence on Monday some documents relating to it. The difficulty of referring your Lordships to them arises from the circumstance of the evidence having been given so lately that it is not yet printed, and therefore I

cannot point it out in the printed evidence to your Lordships, but I have a state of it here which I will read, and I dare say your Lordships will find the printed evidence corresponding with it. Undoubtedly if it does not, so far forth I must be conceived to be mistaken.

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Administration of the revenue specially committed to the Governor and Council.

My Lords, in a more early stage of this cause, we laid several papers before your Lordships, which are in pages 1170, 1172 and 1178, of your Minutes, which proved that the Directors did consider, as in my opinion they ought to consider, the Act of Parliament in the year 1773, as entrusting the Governor General and Council with the administration of the revenue in Bengal, and making it a duty upon them to execute it, which they had no right whatever to delegate. We also showed you, from the same evidence, that the opinion of Mr. Hastings respecting delegation was the same; that he conceived the Governor General and Council had no right whatever to delegate their powers; but, above all, he objected to partial delegation—that he conceived the whole must be delegated or none; for if, in fact, the Governor General and Council were to delegate any particular part of their power, they would be giving the colour and sanction of their names to acts of which they could by no means be a judge.

No right of delegation of the duty.

Delegation of authority to amins to inquire into the value of estates.

The court of Directors were of the same opinion, and considered all kinds of delegation of authority improper. Notwithstanding this, it suited Mr. Hastings' purpose, in the year 1776, to delegate to certain amins the most considerable power upon this subject, perhaps, that was ever delegated to any set of men. He constitutes and appoints amins, and gives them general power as inquisitors to make inquiry by interrogatories, or whatever means they could, into the value of every landed estate throughout the dominions of the Company in the East, by forcing all title deeds from their owners; in short, having a power by force to collect from them every species of verbal evidence, and every species of written document which they thought might be of assistance to them in their inquiries into the value of these lands. He was not satisfied with this, but he entered the following minute, which was read on Monday:—

Mr. Hastings' minute.

"Governor General.—I move that the following letter be written to the Chief and Council at Moorshedabad.

"'Complaint having been made by Ram Kam Bose, the aumeen of Beltoreah, that many of the jemindary officers refuse to deliver to him the accounts of the collections under their charge, and, in other respects oppose him in the execution of his commission, we hereby positively

9 June 1790. direct that, on any complaint being made to you, either from him or from any other aumeens who have been deputed into the division, you do immediately take the most effectual means to support and enforce their authority, by causing such papers of the collections as they shall require, conformably to their instructions, to be put into their possession, by compelling the attendance of such revenue mohurs as may be required by the aumeens to explain them, and by arresting and punishing those who shall dare openly to oppose or disobey the orders of government in these instances.' "

Power of corporal punishment given to the amins.

My Lords, by this minute he gives the power of enforcing by corporal punishment, by torture, or by any means whatever, any of the investigations which they think fit to make, and which he chooses to call "the orders of government." It is material to observe to your Lordships that what they mean by "orders of government" is a mockery of the word government. For he begins with destroying the government of Bengal, and declares that the Governor General's warrant shall be sufficient without the assistance of the Council; and he begins by destroying the Council Board, established, not by the Directors, but by an Act of the Parliament of Great Britain. He substitutes himself in its place, and then says, that whoever disobeys the orders of that which he, in mockery and insult, calls *government*—that is, his own arbitrary and positive orders—shall be subject to any corporal punishment that shall appear fit for these his instruments to inflict.

Character of persons employed as amins. Gunga Govind Sing.

It will be material for your Lordships to observe who are these his instruments. One is Mr. Anderson; another is Gunga Govind Sing—Gunga Govind Sing, upon whom, cursorily, I beg leave to make these two observations. That he had been dismissed for a delinquency from his office of diwan of the Calcutta Committee, partly, indeed, upon the evidence of a man called Cumal-ud-Din Khan—whose evidence, if your Lordships knew as much of him as I do, you would undoubtedly not give much credit to. And to think of what has been done upon the evidence of that man, if your Lordships had a power of listening to it upon this occasion, would cause more indignation, or as much, perhaps, as any of the things we can have to state in the whole of this cause. But, not only upon the evidence of Cumal-ud-Din Khan, but upon his own confession, was this Gunga Govind Sing dismissed from the office of diwan. This man, so dismissed, Mr. Hastings chooses to employ in this office of

* Printed in the "Minutes of the Evidence," p. 1297.

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amin—that is, inquisitor general—with a power to inflict every species of punishment, torture or otherwise.

Agent for receipt of bribes for Mr. Hastings.

And your Lordships have not forgotten that he, not only appears to have been a culprit, with respect to the delinquency for which he was dismissed, but—which your Lordships ought never to put out of your mind—that he was Mr. Hastings' instrument in the receipt of many of the bribes which I had the honour of proving on Monday. This man, whom we have proved to be a man of notorious and infamous character—this man, whom we have proved Mr. Hastings' bribe-broker, and actually dismissed from his office of diwan—Mr. Hastings thinks fit to employ as inquisitor general into the circumstances of every man's estate in that country, and into all the value of every part of that province.

Criminality in appointing the amins.

I presume that I need not say any more to convince your Lordships that this is a matter of actual and substantive guilt; when the Act of Parliament prevented him from it; when he had the orders of the Directors specifically acquainting him that they were of opinion, as much as he, not only against any partial delegation, but any delegation whatever; and when he had confirmed their opinion repeatedly by his own—that all delegation was improper. Upon that ground, and that ground alone, I shall demand justice upon him for a misdemeanour, for appointing these amins with these extraordinary and extravagant powers, contrary to his duty as a servant of the Company, and contrary to his duty as a member of that Council established by law.

Admission by Mr. Hastings that their appointment was nugatory.

But, in order to take away from him all pretence of error in this business, and all pretence of considering this as a doubtful crime or a trivial one, or an error in judgment, or that which Mr. Hastings did not know to be criminal, we have produced to your Lordships a declaration of Mr. Hastings, in which he declares the whole purpose of the existence of these amins to be absolutely nugatory and without foundation. For what was the pretence of establishing these amins? It was to investigate into the state of the revenue of the provinces and into the value of the different estates. We produced, in page 1171 of your Lordships' Minutes, a plan for a future settlement proposed by Mr. Hastings and Mr. Barwell, some time before the institution of these amins.

Acknowledgment that the value of the

"The ascertaining of the value of the several districts has been sufficiently accomplished, but we will not say the desired improvement has in general taken place. It has

9 JUNE 1790. been chiefly obstructed by a circumstance which could not be foreseen; we mean the farmers having engaged for a higher revenue than the districts could afford."

estates had been previously estimated.

But, my Lords, whatever he may think may have been the improvement made or not, and however he may think that could not have been foreseen which every man of sense must have foreseen, whatever may be your Lordships' opinion upon the subject, the evidence is clear that he conceived the value of the districts to have been fully ascertained. Now let me ask upon this point your Lordships' judgment—whether you conceive it to be—probable I will not say—but whether you conceive it possible that he should have appointed these amins for any but the most corrupt and profligate designs?—because, he is not only guilty of disobeying the Directors in that act, but he appointed persons with this extravagant and exorbitant power, to the vexation and destruction of the whole country :—for what purpose ? Will not your Lordships say that, if such a strong measure ought at any time to be adopted, it can only be justified upon a strong plea of necessity ? What can that be ? Ignorance of the state of the districts ? I should think that alone a poor plea. You ought to prove that you could by no other means gain the value of those districts—if the value was necessary to be ascertained ; that you could not gain them by any milder, more regular, more humane, gentle, legal, means than disobeying Acts of Parliament, and constituting an arbitrary and tyrannical power, without any limit or control whatever. Is that the plea ? We not only prove that it was not necessary, but that there was not a ground even to induce him to do it ; for that he did not want to ascertain the value of the districts, he himself having declared most formally to his masters, and upon every occasion of forming a new plan for the settlement of the revenue, that the value of the districts was originally ascertained. The value of the districts, in Mr. Hastings' mind, was sufficiently ascertained.

Corrupt motives in the appointment.

Then I defy him—I defy his Counsel—I defy the wit and ingenuity of man—to define to me any reason, which is not a reason of criminality, that could induce a Governor who thought the value of the lands ascertained, within a few months after, to erect inquisitors general all over the country, with the power I have stated—to disseise the Government of the power given them by Act of Parliament, to substitute himself and his cursed amins, and to say that they might execute every inquisitorial power, to the vexation

and destruction of the inhabitants of Bengal. To do what? To do that which he himself has said was not necessary to be done, because it was done previously, to his complete and entire satisfaction. 9 June 1790.

This appears so clear to me that I should not think it necessary to confirm my opinion [by that] of the Directors his masters. When they received this intelligence, they were under all the surprise which your Lordships may easily imagine; and I will point out that passage in the evidence to your Lordships in which they express it. It is in page 1170:—

Surprise of the Directors at the measure.

"In regard to the idea of deputing natives on occasional investigations, we are really astonished at such a proposition. If a Committee of Circuit and Council of Revenue, composed of the most intelligent and respectable characters in our service, and armed with all the power of the Presidency, have failed in their attempts to obtain necessary information, from whence are these natives to procure it? And if collusions have been practised by members of administration when deputed into the districts, what reason have we to expect that the conduct of native deputies, who cannot be ignorant of former transactions, will be found more unexceptionable than that of their superiors? It will certainly be allowed that they are liable to great temptations, because their report must determine, in some degree at least, the amount of revenue to be taken from those districts which are to be the subjects of their investigation. The minutes of General Clavering and Mr. Frances leave us little to add on this disagreeable subject. Their reasons against delegating a separate power of controul to the Governor are solid and judicious; and we are happy in declaring that their conduct on the occasion meets with our approbation."

Expression of their disapproval.

My Lords, they afterwards say in another letter—

"As the whole of the measure is equally repugnant to our ideas of humanity and sound policy, we have only to add that, if one part of the Governor General's plan be more exceptional than the rest,"—

Second letter to the same effect.

Among such a load of crime and guilt, it was difficult to decide which had the pre-eminence—

"it is that order which enjoins the provincial chief and Council, on any complaint made by any aumeen, to support and enforce the authority of the said aumeens, by compelling the attendance of such native revenue officers as the aumeens might require, and by arresting and punishing those who should dare to oppose or disobey what is styled by the Governor General and Mr. Barwell 'the orders of Government' in those instances." *

In my opinion, the court of Directors speak there with a becoming spirit; for it was undoubtedly an insult upon

* Extract from letter of the Directors to the Governor General and Council of Calcutta, dated 30th January, 1788.—Printed in the "Minutes of the Evidence," p. 1300.

9 JUNE 1790. them to style those the orders of Government. And if, among, as I say, that load and heap of criminality which appears in this whole transaction, there is one point which stands criminally eminent, it is, undoubtedly, the making liable to punishment, and to punishment to any degree, all the natives of that miserable country who shall disobey the orders—not of Government, but of the usurper, Mr. Hastings—as he was upon that occasion, through the medium of his tyrant slave, Gunga Govind Sing.

Punishment of the natives disobeying the amins.

They also express, upon the subject of Gunga Govind Sing, the same honest indignation and surprise. They say—

The Directors' disapproval of Gunga Govind Sing.

"The Roy Royan was the original channel of such communications as require the interposition of a native, and not Gunga Govind Sing, whose dismission from the Calcutta Committee had rendered him an improper person to transact affairs of such moment to the Company."

My Lords, I have already stated their idea of the impropriety of a native being employed in such a business; but they do, undoubtedly, particularly discriminate the impropriety of employing Gunga Govind Sing, who was not only as a native disqualified in that respect, but who was, as they said, unfit for any trust in their service, having been dismissed for a former delinquency. I can add little to what the court of Directors have said upon this subject; therefore I beg Mr. Hastings and his Counsel will not think it necessary to answer me upon this point. Let them answer his masters; let them answer, not what we say as his accusers, but the judgment passed upon him by those who were his lawful masters, and those whose orders he was bound to obey. Let him answer it if he can.

Necessity of punishment for example's sake.

In my opinion, if this single crime of his were to go unpunished, you would set an example, with regard to the future government of India, that must do more mischief than any good that can be accepted from any laws or systems of Acts which the wisest Parliaments that ever sat can frame for the government of a distant country. Distant countries must always be governed with considerable confidence reposed in the governors of them. That confidence ought to be, in some degree, as great as the situation requires. The distance of India makes much confidence requisite. We may pass laws for the government of India; and, when we have done all that human wisdom can suggest, much the greater part must depend upon the integrity, the abilities and the virtue, of the governors sent there. Therefore, if you should

let pass unpunished this notorious breach of duty, this open violation of an Act of Parliament, and this establishment of a tyranny more direct, more unqualified, more odious and detestable, in its forms, I will venture to say, than ever was established even in that native country of tyranny, the East —I say, by the example you set, you will do more mischief than ever you can do good by any wise provisions or regulations that you have made or that you shall hereafter make.

9 June 1790.

Criminality in the destruction of provincial Councils.

The next point of criminality to which we wish to draw your Lordships' attention is what we have proved to your Lordships upon the subject of the destruction of the provincial Councils.

Duty of the Governor General to obey the Directors.

My Lords, I presume it will not be contended with me that it is the duty of the Governor General to do what an Act of Parliament has explicitly ordered him—to obey the court of Directors. The court of Directors, upon the subject of the revenue, have been as explicit in their orders as it is possible for any master to be to his servant, or for any state to be to those employed by it. In page 1165 of your Minutes, you will perceive the following extract of a letter from the court of Directors of the 5th of February, 1777:—

Letter of the Directors requiring Mr. Hastings to submit to them his plan for the collection of the revenues.

"If you are fully convinced that the establishment of provincial Councils has not answered, nor is capable of answering, the purposes intended by such an institution, we hereby direct you to form a new plan for the collection of the revenues, and to transmit the same to us for our consideration."

My Lords, in another letter of theirs, page 1170, they say,—

"In our letter of the 24th of December, 1776, you were acquainted that, for many weighty reasons, we did not then think it advisable to authorize you to let the lands of the provinces on leases for lives, or in perpetuity. The same reasons still operate. We therefore direct that you re-let the lands from year to year, on the most advantageous terms procurable, except by public auction, until you shall be duly authorized and empowered by the court of Directors to adopt another system; and we further direct that you also continue to make the letter and spirit of our orders of the 5th of February, 1777, the rule of your proceedings on this important subject."

That letter of the 5th of February is the letter which I had just now the honour of reading to your Lordships. The Directors were not content, upon this important point, with telling him in plain words, "You shall make no alteration without sending the plan for our consideration;" but, in a letter of a subsequent date, they insist upon his attend-

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ing to, not only the letter, but the spirit of these orders, namely, that any idea of a change or alteration must be submitted to their consideration. What does Mr. Hastings when Mr. Francis left India to go to England, or about that time? He meditates a total subversion of the whole system of collecting the revenue. There may be many reasons why he wished it—upon which, perhaps, I may comment. He meditates a total subversion of that system. Does he look at the orders of the Directors? Does he look at the provisions of the Act of the thirteenth of the King? If he did look at them he looked at them for the purpose of despising and insulting them. He will find in the Act of Parliament that the revenues are to be managed by the Governor General and Council. He will find in the orders of the Directors that no change is to take place, but such an one as shall be previously submitted to their consideration. He abolishes at one stroke the provincial Councils, which is making a considerable change indeed, without submitting the idea of that change to his masters, the Directors; and he breaks the Act of Parliament by transferring from the Governor and Council to a new committee, which he establishes, all power relating to the collection of the revenue. It is true that, in the institution of that committee, there is an affectation of a control being retained in the Supreme Council; but what is that?—that the determination of a majority of that Council shall be final. The constitution of the Revenue Committee provides that the determination of a majority shall be final, even if that majority is made only by the casting vote of the president. It says, indeed, in extraordinary cases recourse may be had to the Supreme Council, but it says the minority are not desired to enter their reasons of dissent; and it is not in the power of a minority to bring these extraordinary cases to the Supreme Council, the committee having themselves the power of determining what is the case which deserves such a reference. He, therefore, gives away from the Governor General and Council to this Committee of Revenue the complete power of settling all the business of the revenue whatever, they being intitled to have a reference to the Council in such cases as they shall think necessary. In that case, then, he violates the Act of Parliament, and he completely defies and flies in the face of their orders.

Usurpation of authority in suppressing the provincial Councils and establishing Committee of Revenue.

Power removed from the Supreme Council.

Here I beg to make the distinction which I have stated to your Lordships, in a former part of my speech, in a former day and this day—that I distinguish the points which

Distinction between criminal acts and criminal intentions.

are of sufficient criminality to condemn the prisoner, from these points which will prove the criminal intention independent of the criminal act, and which will show, by aggravating circumstances, that the punishment ought to be severe. If I were to say no more than I have said,—that he did, in defiance of the Act of Parliament and of his orders, destroy those provincial Councils and set up this Committee of Revenue, I should conceive myself intitled to call for judgment for high crimes and misdemeanours; but, when you come to examine those facts, you will find that, beyond the crime itself, there is circumstance upon circumstance which proves the corrupt object and the bad tendency of the measures which he adopted.

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Circumstances proving corrupt objects.

The first measure which I mean to examine is the destruction of the provincial Councils. Your Lordships will not understand me to be an advocate for that establishment; for, undoubtedly, I am one of those who think that the mode in which it was first established might be stated against Mr. Hastings, as that in itself it was a blameable transaction. But I am stating that Mr. Hastings destroyed it against the orders of the Directors; and that he destroyed it from criminal motives, and in such a manner as to aggravate the criminality of the act.

Destruction of the provincial Councils.

The first thing I shall state upon that subject is—and it is a great and powerful medium of proving the corruption and guilt of any man—that what he did was contrary to his own declared sense upon the subject; for he had declared that those provincial Councils, however blameable in the eyes of some, were in his eyes a good mode of administering the revenue.

Contrary to his own declared opinion.

"The general mode which is at this time established for the management of the collections is as follows:—The provinces are formed into six divisions, each comprehending several inferior districts, under the direction of a chief and council. These receive their orders from the Board at large, and report to them their proceedings in a separate department, called a Council of Revenue: and, for the greater facility of despatching business with the inhabitants, and for the preservation of the ancient terms and rules of office, a dewan, or minister of the revenue, is appointed to each division, who is joined to the provincial Council, and keeps all the accounts and records of the country languages. Native superintendants are also appointed to each district of the provincial divisions, with the title of naibs, and correspond with the provincial Councils and diwans. The diwans also transmit their accounts and proceedings to an office of ancient institution, lately transferred from the city of Moorshedabad to Calcutta, named 'the Khalsa,' which is under the charge of an officer entitled 'the Roy Royan,' who occasionally sits at the meetings of the Council of Revenue, and is the channel of commu-

His minute on the subject.

9 JUNE 1790. nication between the Board and the diwans, transmitting to the latter the counterparts of the orders of the Board which are sent to the provincial Councils, and receiving their answers. The exceptions to this general system are the province of Chittagong, which, from its remote situation and small revenue, has been left under the single charge of the chief of the factory, and the districts of Pallamow and Ramgur under Captain Carnac, and of the Jungulterry of Curruckpore, &c., under Captain Browne. These may be properly termed military collectorships. They are composed of the wild and mountainous parts of the country, which have been lately reduced to a state of submission to Government, and require the continual presence of a military force to keep them in subjection. The revenue which they yield is inconsiderable, but the possession of them is a security of the peace of the cultivated and more civilized lands in their neighbourhood, which, till their reduction, were continually exposed to the ravages of the wild and lawless people inhabiting them. With these military collectors the correspondence was carried on by the Governor only; but, according to the instructions now received from the Company, it seems requisite that it should in future be conducted by the Council at large."*

Read also a further extract from the same Consultation, beginning at page 10 of the same book, as follows:—

"I must beg leave to conclude this subject with earnestly offering my advice for the continuation of this system in all its parts, with such alterations only as the late change in the government has rendered indispensibly necessary. Innovations are always attended with difficulties and inconveniences. Innovations in the revenue, with a suspension of the collections, and a change at this season of the year, would be particularly dangerous, as the time of the heaviest payments is now approaching. For the same reason, your speedy determination upon the future mode of managing and collecting the revenues would prove of essential service."

"The court of Directors have been advised of the formation of this establishment, in consequence of the orders transmitted to us in their letter of the 7th April, 1773; and we may shortly hope to be furnished with their final determination concerning it. I must likewise recommend the continuance of the separation which was originally made of the revenue department from the other offices of the Government, as the only means by which it can be regularly conducted; and, as there is no branch of the Company's affairs in which their interests so essentially depend, I propose that the Council do assemble for the conduct of it in the same manner as was practised by the late Council of Revenue."

The last sentence might, perhaps, have been sufficient for your Lordships without the rest; for a more complete approbation of the system which he afterwards destroyed cannot succinctly be given than the one which I have just read, with respect to the mode of managing the collection of the revenues.

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* Extract from Consultation of the 25th October, 1774.—Printed in the "Minutes of the Evidence," p. 1165.

My Lords, we have also proved in evidence, in page 1166 of your Lordships' Minutes, that he at that time was, not only to a certain degree satisfied with this mode of the collection of the revenue, but he was satisfied that it was the best possible mode and required no alteration; that he not only states that opinion in the strong terms you have heard read to the court of Directors, but he advises them to apply to Parliament, in order to establish those provincial Councils and make them the law of the land. If the Directors had followed his advice, that would have been the law which he afterwards destroyed. Considering all his transactions, I do not think that would have stood in his way; nor do I think he would have been one jot more criminal if he had destroyed them in that case than after their having had the approbation of the Directors, whom by an Act of Parliament he was bound to obey. He advises the Directors to apply to Parliament for the establishment of them; and then, all at once, he totally and completely destroys them, root and branch. He does not alter the system, change it, modify it. He does not—as he pretends in one of his letters—introduce a new system by a gradual change; but he makes a total destruction of the whole old system, in order to introduce a new one of his own; and he does that against his own declared, solemn, opinion.

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Evidence of his thinking that the system needed no alteration.

His total destruction of the system.

But he gets rid of that in a way satisfactory to him, but which, I trust, will not be satisfactory to your Lordships. I believe I can recollect the words. You will find them in your Minutes. He gives a very bad character of these provincial Councils which he had before praised; he says they are a very bad mode of collection; and he says it was originally the design, when these provincial Councils were first established, to make them only preliminary to a better arrangement; and he refers to the Consultations, which had looked to an ultimate arrangement of a very different description than that which he established. He says—

His reasons for condemning it.

"The system which yet subsists, though with many unessential variations of superintending and the collecting the public revenue through the agency of provincial Councils, was instituted for the temporary and declared purpose of introducing another more permanent mode, by an easy and gradual change, by which the effects of too sudden an innovation might be avoided."*

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* Extract from Consultation of the 9th January, 1781.—Printed in the "Minutes of the Evidence," p. 1178.

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He says—

"Why the design failed in its effects, and the provincial Councils [were] permitted to remain during so long a course as seven years, in contradiction of their professed institution, it is unnecessary to mention." *

My Lords, it is unnecessary for him to mention, because we know it. They were permitted because the court of Directors approved them; because he was frequently commending them to the court of Directors, and telling them that, though they were originally established as a temporary system, they were found to be the best possible system, and by his advice to be made permanent by an Act of Parliament. All at once he contradicts every word he had written and every principle he had laid down, and says—"Why these were permitted to remain seven years it is not necessary to mention;"—knowing that, if he had mentioned why, the main and principal ground of their remaining was his own opinion, delivered solemnly upon a variety of occasions, and his own suggestion that they ought to be woven into an Act of Parliament. Sensible that this very cavalier way of treating the court of Directors might lead to some explanation, he has condescended, in some other parts, to give some reasons. He says—"The members of some of the Councils were grown factious and incapable of doing their duty." When he says this, if not in the same letter, in another of very near the same date, I believe in the same letter—it is all before your Lordships in evidence—in the same letter in which he said that these provincial Councils were composed of factious and incapable men, he desires you to provide for those factious and incapable men, who have been, he says, dismissed, for no fault of theirs, but for the public convenience—for a better arrangement:—

Allowances continued to members of the Councils.

"In this, as it must be the case in every reformation, the interest of individuals has been our principal if not our only impediment. We could not deprive, at once, so large a body of our fellow servants of their bread without feeling that reluctance which humanity must dictate, not unaccompanied, perhaps, with some concern for the consequence which our own credit might suffer by an act which involved the fortunes of many, and extended its influence to all their connections. This, added to the justice which was due to your servants who were removed for no fault of theirs, but for the public convenience, induced us to continue their allowances until other offices could be provided for them."

* This and the following passages are extracted from a letter of the Governor General and Council to the Directors, dated 5th May, 1781.—Printed in the Appendix to the "Minutes of the Evidence," p. 689.

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Inconsistencies in his statements.

He states, therefore, these establishments to be good—to be fit to be made part of an Act of Parliament. He destroys them because they are ill executed—executed by persons factious and incapable. Then he declares that these factious and incapable persons were dismissed for no fault of theirs, and therefore, in justice to them, he must give pensions to some of them. As has been well observed—"he conceived faction the best title to a pension, and incapacity the best qualification to office;" for he says, that those persons dismissed must have pensions and offices, yet their faction and incapacity is the sole ground he states for their dismission, having formally, directly, repeatedly and uniformly, approved the institution which he destroys.

His charge of faction in the Councils.

With respect to these factions in these provincial Councils, it will be necessary to give some explanation of what was the probable meaning of the defendant upon that subject. Your Lordships have heard sufficiently of Kelleram and Cullian Sing. You have heard that the factious Council of Patna had proposed terms for the letting of Behar to the zamindar, who was the proper person; that Mr. Hastings took upon himself to let it to Cullian Sing and Kelleram, receiving from them a considerable bribe, which he chooses to denominate a peshcush. You have heard more—that this transaction, though kept close and secret by Mr. Hastings himself, was rumoured abroad. You have heard, particularly from Mr. Young and Mr. Moore, who were both of them provincial Councillors—Mr. Young was a member of the provincial Council of Behar and Mr. Moore of the Council of Calcutta—you have heard from these two gentlemen that reports upon this subject reached their ears. You have heard from Mr. Anderson that reports upon this subject reached his ears as early as the year 1780. From the moment that Mr. Hastings heard that a report of his bribes prevailed, that they had been detected by the provincial Councils, he says—"These are factious and incapable men." He dismisses them. The institution is good, but, as faction is apt to be loud and querulous, and incapacity talkative, he thought the best way of making all quiet was by giving to some of them pensions and to others offices of trust and emolument. He endeavours to conciliate the men, and he destroys the system; because they had been so factious—some to hear, and others to propagate the report, of his letting lands for bribes instead of letting them for rents. What occurs to Mr. Hastings? "Let us destroy these factions; let us

Opposition of the Council of Patna to the letting of Behar to Kelleram and Cullian Sing.

Detection of Mr. Hastings' bribes by the provincial Councils.

9 JUNE 1790. have no more whisperings upon the subject; let us destroy these provincial Councils"—which, according to his own testimony and that of every witness at your Lordships' bar, not excepting even Mr. Shore, were more able to correct corruptions and evil doings than the committee he established in their stead. "Away with all these troublesome, factious, Councils; let us destroy them! Why we have let them last so long it is not necessary now to mention."

Substitution of the Committee of Revenue.

Having stated what occurs to me upon the destruction of these Councils, you will see everything I have stated in a much stronger light when you look at the institution which was substituted in their place. The institution which was substituted in their place has the name of a Committee instead of a Council; and it is so far convenient that your Lordships will always understand when I speak of a Council I speak of the old mode, when of the Committee of the new one. In lieu of these Councils he substitutes a Committee of Revenue. I am sorry to take up so much of your Lordships' time, but there are so many remarkable features, both in the constitution of the Committee and the persons who compose it, that you will not be able to form a competent judgment of this Committee unless you attend to the circumstances connected with it with a considerable diligence:—

Constitution of the Committee.

"That a Committee of Revenue, consisting of four covenanted servants of the Company, be immediately constituted, who shall be entrusted with the charge and administration of all the public revenue of these provinces, and invested in the fullest manner with all the powers and authority, under the controul of the Governor General and Council, which the Governor General and Council do themselves possess and shall not reserve exclusively to themselves."*

I wish your Lordships to observe whether they reserve any exclusively to themselves whatever, and, if they do, of what nature and importance it is.

"That the first persons nominated to this charge be Mr. David Anderson,"—

whose name occurs almost always in all the secret transactions of Mr. Hastings—

"Mr. John Shore, Mr. Samuel Charters, and Mr. Charles Crofts—"

without whom the rest would have been nothing—Mr. Charles Crofts, whom Mr. Hastings himself had detected in an error of 160,000*l.* or 170,000*l.* sterling, in stating the account of the stipend to the Nawab Mobaric-ud-Dowla!—

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* "Plan for the Management of the Revenue;" 9th February, 1781.—Printed in the "Minutes of the Evidence," pp. 1178, *et seqq.*

"That the office of Superintendant of the Khalsa records shall be abolished; and the office of Khalsa, with all its dependent offices and all the functions and powers appertaining to it, shall be transferred to the Committee of Revenue."

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Abolition of office of superintendent of the khalsa records.

I believe, my Lords, it is in evidence before that this superintendency of the khalsa records was an office, as you will see by this paper, itself, of considerable importance; and we can produce it in evidence if necessary, that the superintendent happened to be at this time a gentleman of the name of Ducarell; and I understand from all those who have been in India and know anything of persons and characters of India—and we shall prove it if you conceive it necessary—that he was eminent, not only for his abilities, but for his integrity and meritorious services of every kind to the Company. His office was, however, to be abolished.

Eminent character of the existing superintendent.

"That the Canongoes shall be reinstated in the complete charge and possession of all the functions and powers which constitutionally appertain to their office.

"That the Committee shall examine and report the state of the other offices dependent on the Khalsa, and propose such alterations as shall appear to them necessary for making them answerable to the purposes of their institution, and bringing them under the controul and daily inspection of the Committee.

"That the Committee shall immediately prepare establishments for their own immediate department, and such temporary establishments as shall be judged necessary for the collectors of the divisions or districts, and shall lay the same before the Board for approbation.

"That such of the Company's servants as shall be removed from their present offices, in consequence of those arrangements, shall be permitted to draw the same allowances as they draw at present, until they shall be appointed to other offices, or until it shall be the pleasure of the Board to withdraw this indulgence."

Pensions to officers removed from their places.

I have stated to your Lordships that they had pensions during pleasure; and the reason why during pleasure, considering what their offence was, is pretty obvious.

"That a commission of two per cent. on all net sums paid immediately into the treasury at the Presidency, on account of the public revenues, in the course of every month, be allowed to the members of the Committee and their principal assistants."

This commission of two *per cent.* amounts among those four gentlemen—and there was one afterwards added to them—to somewhat above 50,000*l.* sterling a year; and, I believe, economy was one of the recommendations of this new scheme!

"That if the members of the Committee shall differ in opinion upon any question before them, the majority, or the casting voice of the

Absolute power of the majority.

9 JUNE 1790. President or senior member present shall decide and form the resolution of the whole; but it is not expected that every dissentient opinion shall be recorded,"—there was no great desire of publicity in this matter,—"and where the case shall be deemed of such importance as to require it, it shall be immediately referred, together with so much of the proceedings as have an immediate relation to it, to the Board. But the determination of the majority of the Committee shall not therefore be stayed, unless it shall be so agreed by the majority."

So that there could be no reference upon the subject where there was difference of opinion, till the opinion of the majority had been actually carried into execution and effect. You will find that, in this, as well as in every other business, it is not only material what should be the constitution of a Board with powers like this Committee of Revenue, but who should be the persons composing the Board. The persons composing the Board I have stated before; but—

Appointment of Gunga Govind Sing as diwan of the Committee.

"At a Council, present the Honourable Warren Hastings, Esq., Governor General, President, and Edward Wheler, Esq. Agreed"—

And here comes the material part of the whole transaction—the very pith of it—all the real cause for which the provincial Councils were destroyed and this Committee of Revenue instituted.

"Agreed, that Gunga Govin Sing be appointed Dewan to the Committee of Revenue, and that they be advised of it in the following letter:"—

"'To Mr. David Anderson, President, &c., and the Members of the Committee of Revenue.

"Gentlemen,—We have this day thought proper to appoint Gunga Govin Sing to the office of Dewan to your Committee.'"

Then we come to the powers:—

Powers given to the diwan.

"That, as the Supreme Council have thought proper to appoint a Dewan to the Committee, it will be the duty of the Dewan to countersign the papers executed by them, and carry into execution such orders as are given to him and such duties as appertain to his office, and to be present at the meetings of the Committee, and sit with them to receive their orders, and to attend the President occasionally, and to report such matters to him as require his orders, which he is to obey. That the Roy Royan, therefore, should not be allowed to interfere in the business transacted by the Dewan of the Committee, as such interference would occasion frequent disputes and great delay in the business, which each would ascribe to the other."

Office of Rai-rayan superseded.

Here is another ancient officer, called the Rai-royan, completely set aside, because they say that, if he was to happen to have any difference of opinion with Gunga Govind Sing, it might occasion disputes. Undoubtedly, the nomination of any and every person to any office does occasion disputes, but they do constitute a check and control; and, when you take away any possibility of dispute, you take away all possibility of check and control likewise.

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"That the duty formerly vested in the Roy Royan of superintending the conduct of the provincial Dewans, of receiving accounts from them in the Bengal language, and of issuing counterparts of the orders which the Board of Revenue should expedite to the collectors, will now become unnecessary."

"That, with respect to such provincial Dewans as remain in the districts where collectors are stationed, they should coutinue to act under the directions of those collectors to whom the Committee will expedite their orders."

"That, with respect to such provincial Dewans and Naibs as reside in districts where there are no collectors, the Committee will also issue their orders to them through their President, and such orders are to be countersigned by the Dewans of the Committee."

"That the Directors be accordingly directed to address the Persian and Bengal copies of such accounts as they shall send to the Committee to the Dewan of the Committee, under cover, directed to the President and Committee, and that orders be issued to the provincial Dewans and Naibs who reside in districts where there are no collectors to adopt the same mode of address."

"That the executive business appertaining to the collection of the rents of the Huzzoory Mehals will principally rest with the President of the Committe and Dewan, subject to the orders of the Committee."

"That the Accountant General of the Dewanny will still continue to perform the duties described in the old regulations of the Khalsa, or such other functions as may have since been prescribed by the honorable Board."

Power given to Mr. Crofts.

So that here the Accountant General of the Revenue, who your Lordships know is this individual Mr. Crofts, is substituted, in point of fact, to execute all the offices of Mr. Ducarell; and, therefore, which we conceive you will think no inconsiderable or trifling circumstance in this business, he appoints a Committee wholly independent of the superior Council. He appoints that Committee, consisting of four members, some of whom, I think, were not fit for any trust whatever, in Mr. Hastings' opinion of what he knew of them,—specifically and particularly Mr. Crofts.

Evidence of Mr. Shore.

But I am ready to own, that who were or who were not the members of this Committee is a point wholly immaterial; for I now come to the great and material evidence in the whole of this cause, from whom the Counsel thought they could gain much assistance because of his friendship and partiality to Mr. Hastings, but who by ten thousand testimonies can never do away the substantial and solid evidence he has given us in this cause—I mean Mr. Shore.

We have had Mr. Shore before your Lordships. He has told us that that paper which is under his name—that paper which was presented to Mr. Macpherson in the year 1782—is his own paper; and he states himself to continue in the opinions there given. The principal substance of that paper, upon which I shall rely, is in these short words—that the Committee of Revenue is a tool

9 JUNE 1790. in the hands of their diwan; that a Committee of Revenue, constituted of the most diligent, the most able, and the most active officers, still can be nothing better than a tool in the hands of their diwan. Then, after having read all the power given to this Committee, after having read all the power of which the Board and Governor General and Council have divested themselves, you will understand from Mr. Shore that they divested themselves of this power—not to Mr. Shore, Mr. Anderson, or the rest of the Committee—but to Gunga Govind Sing, in whose hands they were all tools and ciphers.

The Committee a tool in the hands of their diwan.

He has stated in that paper, with so much energy and propriety, his opinions upon that subject, that I think it will be better than anything I can say upon it to read them to your Lordships.

Minute of Mr. Shore.

["In the actual collection of the revenues, [nothing is more necessary than to give immediate attention to all complaints which are preferred daily without number, and dispatch them in a summary manner. This cannot be done where the controul is remote. In every pergunnah throughout Bengal there are some distinct usages which cannot be clearly known at a distance; yet, in all complaints of oppression or extortion, these must be known before a decision can be pronounced. But to learn at Calcutta the particular customs of a district of Radshahy or Dacca is almost impossible, and considering the channels through which an explanation must pass, and through which the complaint is made, any colouring may be given to it; and oppression and extortion to the ruin of a district may be practised with impunity. This is a continual source of embarrassment to the Committee of Revenue in Calcutta. One object of their institution is to bring the revenues without agency to the Presidency; and all local controul is removed from over the renters who pay at Calcutta or what is called Huzzoory; when complaints are made against them, it is almost impossible to discriminate truth from falsehood; and, to prevent a failure in the revenues, it is found necessary in all doubtful cases to support the farmer; a circumstance which may confirm the most cruel acts of oppression. The real state of any district cannot be known by the Committee; a farmer or zemindar may plead that an inundation has ruined him, or that his country is a desert from want of rain; an aumeen is sent to examine the complaint; he returns with an exaggerated account of losses, proved in volumes of intricate accounts, which the Committee have no time to read, and for which the aumeen is well paid; possibly, however, the whole account is false. Suppose no aumeen is employed, and the renter is held to the tenor of his engagements, the loss, if real, must occasion his ruin, unless his assessment is very moderate indeed. I may now venture to pronounce that the real state of the districts is now less known, and the revenues less understood, than in 1774. Since the natives have had the disposal of accounts, since they have been introduced as agents and trusted with authority, intricacy and confusion have taken place; the records and accounts which have been compiled are numerous; yet when any particular account is wanted it cannot be found. It is the business of all, from the ryott to the Dewan, to conceal and deceive; the simplest matters of fact are designedly covered with a veil through which no human understanding can pene-

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trate. With respect to the present Committee of Revenue, it is morally impossible for them to execute the business they are intrusted with. They are vested with a general controul, and they have an executive authority larger than ever was before given to any board or body of men; they may, and must, get through the business; but to pretend to assert that they really execute it would be folly and falsehood. The grand object of the natives is to acquire independent controul; and for many years they have pursued this with wonderful art. The farmers and zemindars under the Committee prosecute the same plan, and have ready objections to anything that has the least appearance of restriction: all controul removed, they can plunder as they please. The Committee must have a Dewan, or executive officer, call him by what name you please. This man in fact has all the revenue paid at the Presidency at his disposal; and can if he has any abilities bring all the renters under contribution. It is little advantage to restrain the Committee themselves from bribery or corruption, when their executive officer has the power of practising both undetected. To display the arts employed by a native on such occasions would fill a volume. He discovers the secret resources of the zemindars and renters, their enemies and competitors; and by the engines of hope and fear raised upon these foundations he can work them to his purpose. The Committee, with the best intentions, best abilities and steadiest application, must after all be a tool in the hands of their Dewan."] *

Character of Mr. Shore.

I should be wasting your Lordships' time and my own labour if I were to say anything in addition to what Mr. Shore has said upon the subject. It is only necessary for me to observe who Mr. Shore is. Mr. Shore was a member of this very Committee of Revenue. Mr. Shore is a person who declares a great, good, opinion of Mr. Hastings, and is not desirous, therefore, of saying anything that may make against him. Mr. Shore is a man, confessedly, of great experience with respect to the revenue of Bengal. He was sent out upon that ground, I believe, as a coadjutor with Lord Cornwallis, when that nobleman was sent as Governor General. He is returned now, and he gives at the bar of this House evidence consistent with that minute, which evidence is, that the office which he occupied as a member of that Committee was a mockery and a farce; that do the business they must, but to pretend they executed their office was a jest; and that he and the rest were—what I contend they were—neither more nor less than tools in the hands of Gunga Govind Sing. And at this moment I have a right to assume as a fact that Mr. Hastings, when he destroyed the provincial Councils, did not substitute a Committee of Revenue in its stead, but substituted Gunga Govind Sing as paramount minister over all the revenue, and over

His evidence that the committee were tools in the hands of Gunga Govind Sing.

* "Remarks on the Mode of administering Justice to the Natives in Bengal, and on the Collection of the Revenue," by Mr. Shore; 12th May, 1785.—Printed in the "Minutes of the Evidence," p. 1279.

9 June 1790. all the collections and all the farms of all the various provinces of Bengal.

Office of naib-kanungo.

My Lords, one should have thought that this situation of diwan was enough. Mr. Hastings did not think so; for he knew that Gunga Govind Sing, who was diwan, was also naibkanungo, an officer who, from the evidence of Mr. Anderson, we understand to be one who might have a check upon the diwan. Mr. Anderson, after a variety of questions, comes to that conclusion at length—that he might be so. However, in every office there must be subordinate persons, and those subordinate persons may act in some respects as a check upon their superiors. There was not only a diwan, but a naib diwan. This naib might possibly not be a tool in the hands of Gunga Govind Sing, but a check upon him, which the Committee could not be. Who was the naib diwan? Prawn Kishen, the son of Gunga Govind Sing. So that, not satisfied with putting Gunga Govind Sing in this situation, where he made his whole Council tools and ciphers, he appointed him naibkanungo, which ought to be a check upon him, and appointed his own son to an office which might be some check upon him. So anxious, so cautious, so careful, so curious was Mr. Hastings in his selection of this Committee, that he was afraid that that, which in Mr. Shore's opinion was sufficient to give Gunga Govind Sing the whole power of the country, should not be sufficient, without putting all the subordinate offices also into his power.

A check on the diwan.

The office held by Gunga Govind Sing's son.

I have omitted, and shall not dwell now upon many inferior circumstances. I shall just state them to your Lordships, with references to where they may be found. Your Lordships will find, in pages 1172 and 1178 of your Minutes, Mr. Hastings' declaration against all partial delegations. If ever there was a thing which did not come within this description, it is this Committee. That it was not a partial delegation, but an entire one, I am ready to admit.

Mr. Hastings' declaration against partial delegations.

You will find Mr. Hastings universally objecting to short leases, and pleading in favour of long ones. The first regulation of this Committee was that leases were to be from year to year. You will find a general opinion of his against all innovations, whatever, of any kind; and that, whenever changes are introduced, they ought to be by a gradual and easy mode. You will find the Directors agree with him in most of these opinions; and you will find that, in direct defiance and contradiction of all these opinions, he abolished the provincial Councils, by no gradual, easy change, and substituted in the

His objection to short leases.

Against innovations.

room of them a farce of a committee, but, in fact, Gunga Govind Sing. 9 JUNE 1790.

The appointment of Gunga Govind Sing subsequent to the Directors' disapproval of him.

It is not to be omitted that this appointment of Gunga Govind Sing was not only subsequent to Gunga Govind Sing's delinquency and dismission, which had happened, I believe, when the majority was against him, but it was subsequent to his appointment of Gunga Govind Sing as amin, and subsequent to the Board of Directors having expressed their astonishment, surprise and indignation, at his giving that office to Gunga Govind Sing, after he had been marked with the ignominy of that dismission. He knew, therefore, that, as much as Gunga Govind Sing was agreeable to him, as much as he was necessary to him, as much did the Board of Directors consider him as a person unfit to be employed on account of his former delinquencies.

Mr. Hastings' habit of disobedience to the Directors.

I hope I may say I have a right to deprecate one particular argument which I expect from the Counsel for the Defendant, because I allow it has some force, but yet I think it ought not to be used against me. When I argue as a proof that Mr. Hastings appointed Gunga Govind Sing against the orders of the Directors with a corrupt view, when I take that as a strong proof of his corruption, do not let them answer me thus and say—"Never reason upon Mr. Hastings' disobedience to the orders of the Directors. He always did it by choice. It was his constant system, his scheme, the object of his whole government; and, therefore, do not draw any inference from that which he did daily. You cannot draw an inference from a man's rising in the morning and going to bed at night. You cannot draw an inference from a man's taking his usual repast at the proper hour of the day. You cannot draw an inference from that which is the whole course and tenor of Mr. Hastings' life—defying Acts of Parliament, and disobeying all the orders of the court of Directors." My Lords, that is an argument to which I know no answer, but simply deprecating it and begging it may not be used; for I know it would have a power and force which I cannot resist before your Lordships. Therefore I must beg it may not be used, because it would not be decent to the Court that it should.

If we are to consider Mr. Hastings in the light of a common man, as one who would, where he had no particular object to do otherwise, obey the laws of the land and the instructions of his superiors, then I say that knowing, as he did, the particular objections which the court of Directors had to Gunga Govind Sing, their particular indignation and astonish-

9 JUNE 1790. ment at his being appointed to the situation of amin, he could not have, after that, appointed him to this greater situation as a diwan, except with the corrupt views which I impute to him, and except with the guilt of mind which I think pervades the whole of this transaction.

The appointment of diwan compared with that of Chancellor of the Exchequer.

One of the Council of Calcutta, I believe Mr. Macpherson, speaking of Gunga Govind Sing, calls him the native Chancellor of the Exchequer, meaning thereby, to English ears, to English minds, to convey a situation of great and illustrious power. It is, undoubtedly, of that nature in England; it is an office which in England has been possessed by a variety of descriptions of men, but, at least, all high in the opinion of their sovereign, and supposed to enjoy the confidence of the public. What should you say to one who was to advise his Majesty to appoint a person Chancellor of the Exchequer in this country—which is an office to which Mr. Macpherson has compared the situation of Gunga Govind Sing—to appoint a person who had been dismissed for an actual delinquency and for pecuniary frauds? I believe no such attempt, in the worst times, ever was made in this country, nor is likely to be made. But give me leave to say, that, when Mr. Macpherson compares the situation of Gunga Govind Sing to the most powerful Chancellor of the Exchequer that ever was in the country, he makes a comparison that will by no means give your Lordships an idea of his power.

The diwan more irresponsible in his office.

This country is so constituted, thank God! that no man, however high in the confidence of the public, however high by the favour of his sovereign, can be in a situation of power like that of Gunga Govind Sing. What is a Chancellor of the Exchequer in this country? what the minister of a king in the more absolute monarchies of Europe? He is a person always invested with limited power, accountable—thank God!—in this country, to the representatives of the people. What is this diwan? He is not even a responsible person, but a person acting under the name of a mock committee, and having, as Mr. Shore states it, the person, the fortune—nay, the life, by means of punishment—almost of every native in those fifty-eight or sixty provinces which contain the dominion of the Company in the East.

Therefore your Lordships are not to consider the power of this diwan by comparison with a minister of any of the limited governments in Europe. No! It is a power absolute, unlimited and perfect, to take from the inhabitants of the country every shilling which he can draw from their pockets, by every means by which he can extract it. Hear

the opinion of Mr. Hastings upon that subject, not speaking of a diwan, but speaking of a native farmer; and hear the impotence of the English Government after the establishment of the collection of revenues. It is upon some accusation against Mr. Goodlad, relative to Deby Sing and Rungpore. 9 JUNE 1790. Mr. Hastings' opiniou on the irresponsibility of native officers.

"I entirely acquit Mr. Goodlad of all the charges; [he has disproved them. It was the duty of the accuser to prove them. Whatever crimes may be established against Rajah Deby Sing it does not follow that Mr. Goodlad was responsible for them."]—By which means he shows the impotence of the control of the British Government.—"And I so well know the character and abilities of Raja Devy Sing [that I can easily conceive that it was in his power both to commit the enormities which are laid to his charge, and to conceal the grounds of them from Mr. Goodlad, who had no authority but that of receiving the accounts and rents of the district from Rajah Davy Sing, and occasionally to be the channel of communication between him and the Committee." *

The orders of your Lordships have prevented us from showing what these "enormities" were; but the very use of the word "enormities," I suppose, is sufficient to allow me to presume that certain great enormities would be committed by Deby Sing without Mr. Goodlad knowing the grounds of them or being any way responsible for them. Reference to enormities committed by Deby Sing. Upon that subject, though it may not be strictly in issue, as it has pleased the learned Counsel on the other side to make a call upon the vengeance of this House and of Almighty God, not upon himself, but in a peculiar manner upon his client, if ever this charge should come and he should not be able to refute it, all I beg leave to say in this place is, as a counter declaration, that if it should ever come—and I hope and wish it may—in a regular form to your Lordships, may the vengeance of this House and of Almighty God, whom he has called upon, fall—I will not say upon my honourable friend next me—but fall upon *me*, if I do not prove that all those things stated by my honourable friend were fairly and justly imputable, in the way and in the mode in which he imputed them, to the defendant at your bar! † Assertion of the truth of the charges against him made by Mr. Burke.

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* Extract from a Minute of Mr. Hastings, of the 21st February, 1785.—Printed in the "Minutes of the Evidence," p. 1251.

† Mr. Fox refers to words uttered by Mr. Law, on the 18th of May, prévious, iu the course of an altercatiou with the Managers relative to the admission of evidence of the practice of torture by the provincial Councils and of the cruelties charged against Deby Sing. His words were:—"Let the Commons put the detail of those shocking cruelties into the shape of a charge which my client can meet; let them present them in that shape at your Lordships' bar, and then we will be ready to hear every proof that can be adduced. And if, when they have done that, the gentleman for whom I am now speaking does not falsify every act of cruelty that the honourable Managers shall attempt to prove upon him, may the hand of this House, and the hand of God light upon him!"—*History of the Trial*, Part III., *p.* 56.

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Such cruelties likely to ensue from Mr. Hastings' system of government.

I cannot now prove it, because it is not in evidence before your Lordships. But I hope and trust you will allow me as fair this mode of reasoning: I am not allowed to prove specific cruelties that were committed because these specific cruelties were not charged, but surely I may be allowed to show that, in the nature of things, from the species of government which Mr. Hastings instituted, great cruelties were likely and probable to be committed. And I am sure I need not take up much of your Lordships' time to show, that, if Mr. Hastings destroyed all check and all control of the provincial Councils whatever, if he substituted his own bribe-broker, Gunga Govind Sing, to the whole command of the country, with a power to sell to him and his master together the whole of those sixty provinces which I have stated, must we not know that the wretched inhabitants of these provinces must have had to pay a triple rent—one to the Company, another to Mr. Hastings, and another to Gunga Govind Sing? Must we not know that those miserable natives who are obliged to pay that triple rent must have every rupee taken from them, and be left in the extremity of poverty and indigence, because they have not only to pay their usual rent, but the extortion and bribes of their two joint masters, Mr. Hastings and Gunga Govind Sing? And may I not state, that it is probable that the farmers, driven to desperation on one hand, and finding no means but the miserable poverty of the natives to extort from on the other, must be driven to cruelties which English ears would shudder to hear and English hearts to think of? This must naturally be the effect of such a government.

The natives impoverished by the bribes paid to Mr. Hastings and Gunga Govind Sing.

Inference of system of bribery from special cases proved.

It may be said—why do I infer that Gunga Govind Sing, when he had all these powers, would so abuse them, or that Mr. Hastings would sell them? I can judge of the acts of men that are not discovered only from those which are discovered. I find that Mr. Hastings, before he instituted this Committee, did sell for bribes the farms of Behar. I find he did, for a bribe from Kelleram and Cullian Sing, give them a lease which he ought not to have given them. I find he received a bribe from Dinagepore and Nuddea. I find that all these three bribes he received through the hands of Gunga Govind Sing. Can I, therefore, resist the necessary inference, that, when he had destroyed all check, and put this country into the hands of the very man through whom he received his bribes, what was proved before with

respect to three great provinces, Nuddea, Behar and Dinagepore, might probably be the case with all the remaining fifty-seven—or whatever number it is—that constitute that great empire in India? Why am I to suppose that he that would risk his character by taking bribes from Nuddea, Behar and Dinagepore, at a time when there were so many checks to discover it, should, after he had thrown down all the dykes, be more abstemious than he was when there were so many checks to detect and discover his corruption?—that he should refuse doing that to gain a million, when he could do it in security, which he did to gain 40,000*l.*, with all the danger of discovery and all the infamy to which he was liable if detected?

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Temptation by removal of checks.

I cannot suppose the mind of any man to be so made — strange as his Counsel may contend his to be — that, while there were any checks, while there were provincial Councils to discover, while there was Mr. Moore to hear reports, Mr. Young to propagate them, and Mr. Anderson not able to disbelieve them — though his friendship to Mr. Hastings would make him wish to do so — while all these things were going on, he should risk calumny, discovery and punishment, for 40,000*l.*, and that he should at once begin a new life of temperance, justice and moderation, when there was no longer any obstacle between him and his desires, and when there were no longer any means or power of discovery, whatever might be his acts. My Lords, I cannot believe the mind of any man to be so constituted; and therefore I have a fair ground of presumption, that, from the moment Mr. Hastings destroyed all those checks, from the moment he gave the country over, as Mr. Shore says he did, to Gunga Govind Sing, as to an arbitrary tyrant, making the Committee a tool in his hands, from that moment, the dykes all being broken down, Mr. Hastings knew no limit to his corruptions and bribes but his own desires, whatever they might be.

My Lords, in corroboration of this presumption which I state, there is one strong feature in all these circumstances necessary for you to remark. Before the year 1781, we hear of a Dinagepore peshcush—called a peshcush upon a false pretence, but literally a bribe, for if it is a peshcush why is not the whole of the security given to the Company and not a part only of the money received upon it? A bribe is received from Dinagepore. Through whom? Through the hands of Gunga Govind Sing. A bribe is

Bribes received through Gunga Govind Sing, prior to the institution of the Committee of Revenue.

9 JUNE 1790. received from Nuddea. Through whom? Through the hands of Gunga Govind Sing. A bribe is received from Cullian Sing and Kelleram through the hands of the same identical native, Gunga Govind Sing. All these transactions are prior to the institution of the Committee of Revenue. After that, you hear indeed of the bribe from Nobkissin, which stands upon a particular ground, and is stated for a particular purpose; but you hear no more of any presents to Mr. Hastings connected with the receipt of revenue. How, in the name of God, should you hear of them any more, when he had put an end to all checks and to all means of discovery?

No subsequent mention of presents to Mr. Hastings, because means of discovery destroyed.

It seems as if he had been contented for a time with gaining 40,000*l.*, 30,000*l.*, 20,000*l.*, or any such sum as might occur that he could keep secret for his own purposes; but he was irritated by faction, that is, a discovery of his own crimes. Alarmed by reports, he was forced to write one letter hastily, for fear of the insinuations of calumny; he was forced to make a discovery to his colleagues of one instance, for fear it should be known by other means; he was forced to make a discovery to the Company of another, lest he should be thought guilty of ostentation.

The court of Directors pester him with questions. He says—"You ask me about things at this distance which I cannot recollect. Why I took this 20,000*l.*, which belonged to you, and took it to myself, I cannot recollect. You tease and pester me with particular questions. To you, bred up to business, these things are not intelligible; therefore, I can only tell you I remember little or nothing about them." He sees it is the shortest way to break, at once, all dykes, barriers and defences, whatever:—"Let me not any more employ Gunga Govind Sing secretly, in this province or that, but give to him the complete letting of all the provinces in the British empire in Hindustan, and then he and I together can take for those lettings any sum, to any amount we please, and no rumour can spread of it, for it can exist without the knowledge of anybody. There is no control. There is no kanungo to be control on the diwan; no naib diwan; no provincial Council; no Committee who can bring this accusation against me if I quarrel with them, for they are all tools in his hand. Let me take all these measures: neither you, Sirs, the Directors, the Parliament, nor any person in England, can hear of these bribes; because, instead of taking one here and another there, liable to detection, I

may take from the whole country with impunity, and defy the inquisitiveness of my enemies and the indiscretion of my friends." 9 June 1790.

I think this charge was properly stated with the charge of corruption, because, though I do not prove it connected with any specific bribe, as I did in the sixth, yet, by connecting it with all the circumstances, we cannot but infer that the motive to this act was as corrupt as the act was, certainly, illegal and criminal. Charge of corruption.

My Lords, I have now done with pointing out to your Lordships the evidence upon this charge. I have, to save your Lordships' time, in many instances, only alluded to the evidence, without reading it out at large; but I am sure your Lordships will do so much justice to the cause as to do one of these things, either to give me credit that, where I have alluded to it and referred to it, I have referred correctly, or to refer to it yourselves, and correct my state of it. Though I have, I dare say, tired your Lordships' patience as much as I have exhausted my own strength, yet, undoubtedly, I have omitted many particulars of the evidence in which there may be matter of considerable importance. I hope and trust your Lordships consider your duty as judges in the way in which I consider it—that it is your duty to look to these circumstances and enlighten yourselves where we, either from want of diligence, ability or memory, shall have failed in doing so. Apology for not reading evidence.

I will recapitulate, in as few words as I can, what I conceive we have proved to your Lordships, and what I should suppose must be your Lordships' judgment upon what we have proved. Recapitulation of circumstances proved.

It is proved that, prior to the Act of 1773, Mr. Hastings did, in defiance of his duty, receive a present of one lac and a half from Munny Begum, and that there is much reason to suppose he received two lacs more. We have proved that the receipt of that money was attended with all the circumstances that denote guilt; that it was concealed; that it was endeavoured to be defended upon false pretences; and that his conduct in the whole of that transaction was justified upon false accounts. Receipt of present from Munny Begum.

We have afterwards proved that he received a variety of presents, to the amount of 240,000*l.* and upwards; and that almost all those presents he has confessed and justified upon the ground that he intended them for the Company. We have proved that no such intention is any justification. But Variety of presents, amounting to 240,000*l.* Pretended justification that they

9 JUNE 1790. we have further proved to your Lordships that that justification is as false in point of fact as it is bad and invalid in point of law; for that there are the strongest indications and symptoms, that, with regard to much the greater part of these presents, he did intend them for himself and not for the Company.

were intended for the Company.

Conduct when presents were refused.

We have proved, upon the fourteenth Article, that, even where a present was offered in such a way that he did not think it safe to take it, his conduct was mysterious, double, perplexed and fraudulent; that he set a bad example to the servants of the Company in the first place, and that he afterwards forbore to call them to an account for that money which he knew to be in their hands, not belonging to themselves, but to him or the Company. We have proved that in all those cases he stated false pretences; or, if true, they were such as to invalidate all those pretences, such as they were, which he endeavoured to set up for receiving the former presents.

False pretences.

Appointment of amins.

We have proved that, in defiance of the Act of the thirteenth of the King and the orders of the court of Directors, he did appoint certain amins and inquisitors-general; that in so doing he was criminal. We have proved every circumstance relating to that act to be criminal, and, above all, the principal instrument of that act—being Gunga Govind Sing; and that powers were committed to him which ought to be committed to no man; he committing to the worst of men that power which no wise man would intrust to the best; that, knowing the corrupt disposition of Gunga Govind Sing, knowing the Directors' displeasure at appointing amins, knowing the opinion of the Directors was against all innovation whatever, especially all innovation without their consent—he himself having declared his opinion, consistent with theirs, that all innovations were bad, but if any changes were made they should be gradual, having declared his opinion of provincial Councils to be such that he wished to have them established by Act of Parliament—he did, notwithstanding, innovate in the way which he had most reprobated, and, instead of a gradual, easy and progressive, change, he brought about a sudden one, by the immediate destruction of the old system and the immediate institution of a new one. We have proved that, in that institution, he gave powers inconsistent with the Act of Parliament, and actually betrayed the duty he owed the Company as one of those intrusted with the revenue; that he gave it nominally

Powers committed to Gunga Govind Sing.

Destruction of provincial Councils.

Unconstitutional powers given to Committee of Revenue.

to four gentlemen, one of whom he had formerly detected in a false account respecting the stipend of the Nawab—a person whose name occurs in every bribery transaction of Mr. Hastings. 9 June 1790.

We have proved that he made diwan to that Committee, without any check whatever, Gunga Govind Sing, whom I have described, with all the displeasure of the Company upon him, and put him in a situation in which all the Committee were, according to the emphatic phrase of Mr. Shore, nothing but tools in his hand, and could execute no duty but by his means and with his consent. Appointment of Gunga Govind Sing as diwan, without check.

If the concurrence of all these circumstances do not persuade your Lordships that Mr. Hastings' end and object, throughout the government of India, was peculation, either by means of bribery or presents, nothing that I can say to your Lordships will convince you of it: for, if such a cloud of circumstances concurring together, not one of which can be proved to be the rational conduct of an innocent man, do not pronounce him guilty, I am sure all arguments and all attempts at anything like persuasion must fail. These facts speak much louder in themselves, when stated in your Lordships' view, than any comment of mine, however laboured, could do. Concurrence of circumstances proving corruption.

And here I should rest the business, if it were not to take notice of some defences which have been set up, and which, perhaps, I omitted in their places. His Defences.

One defence set up is, that, in point of fact, this Committee of Revenue increased instead of diminished the receipts of the East India Company. Your Lordships will find that the statement which was endeavoured to be put upon your Minutes for that purpose has been entirely fallacious, and so stated to be by the witness who understood these accounts. You will find three ways of taking this account. We, out of candour, are willing to leave out of the account and out of all average the year in which the new institution took place, because, as it happened at a very improper time of the year, it made the revenues diminish; but we will not take advantage of that. If you take the three years preceding that year, and compare them with the three subsequent, you will find that, in the three years subsequent, the net receipt was about three lacs, or 30,000*l.*, less than in the three years preceding. If you compare an average of four years preceding that year with four years subsequent to it, you will find the difference in Receipts increased by Committee of Revenue.

9 JUNE 1790. favour of the four prior years to be something about nineteen lacs. But we are under a considerable disadvantage in either of these propositions, because we are forced to compare the bad administration of Mr. Hastings under a better principle with his bad administration under a worse. But, if you take three years during the existence of the majority of the Council, and compare them with three years of the best receipt subsequent to the institution of the Committee of Revenue—I mean the years 1774–5, 1775–6 and 1776–7, with the three best years of Mr. Hastings—you will find the difference in these three years to amount to no less a sum than forty lacs or upwards, and that forty lacs or upwards in favour of the years during the administration of the majority. I thought fit to state this in order to show that there is not a colour or a ground for that defence which they set up, and that that, like all the rest of their defences, is as false in fact as, in my opinion, it would be nugatory in law. In order to repel the state of the account I have mentioned to your Lordships, there has been an endeavour to compare the state of the outgoings, and to say that it was owing to the charge of collection being greater, but that, in point of fact, more had been paid. One would hardly think that such a thing could be set up seriously as a defence, while members of a British House of Commons are hearing these transactions. Let us learn a different style of duty. Our object is to be, not to fill the coffers of the public, but to empty the pockets of our constituents. We are to hear this as a defence:—"It is true the Governor General put less into the pockets of the East India Company, but he drew more from the pockets of those who were to pay that revenue." Let us go to school again, and learn a new system of revenue.

Pretence of increase in the charge of collection.

I have always understood that that was the best system of revenue, when the proportion received into the exchequer was the greatest in comparison with the proportion taken out of the pockets of the persons who paid it. By a singular inversion of European reasonings, we find Mr. Hastings' defence is, not that he has put more into the treasury of the India Company, but that he has taken more out of the pockets or substance of the Gentus, their subjects. I should have thought that such an observation ought rather to have come from us, in the shape of accusation, than to be suggested by his Counsel, in the shape of a defence.

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I thought these observations necessary, to show, as I stated before, that all these defences are as false in fact as they are bad in law. But I protest against the whole ground and principle of the defence. If it should be proved that Mr. Hastings, by destroying all the legal checks subsisting in that country, and by giving the country over as a boon, a kind of property, to Gunga Govind Sing—if it should be proved that, by that wicked sale of the whole territory of Bengal to Gunga Govind Sing, the Company had realised more than they could by keeping it in their own possession, I should have said, that is no defence; for neither the East India Company, any King in Europe, the British Parliament itself, nor any government, whether aristocratical, democratical, monarchial or mixed, has any right to take money from persons whom they do not, on the other hand, protect. And the East India Company has no right to draw a revenue from their subjects, without keeping in their own hands a control over the mode and manner of collecting that revenue.

Duty of the Company to keep the control of the collection of the revenue in their own hands.

If they could prove, that, by selling to a tyrant like Gunga Govind Sing—by selling to a man whose infamy of character you have heard— by selling whole provinces to Gunga Govind Sing, they had realised whole krors of rupees, if they had doubled, and trebled, and centupled their revenue, I should still charge the Governor [with maladministration]; considering a revenue always as a means of government and not an end; and considering that, when I raise a revenue I am bound to superintend the collection of it, and to see that what I raise for public use is not abused to private injustice. He who sells or farms out that to another, in any considerable degree, forgets the principle upon which all revenue depends: and Mr. Hastings, by farming it to Gunga Govind Sing, with the enormous power he gave him, did not only afford the means by which tyranny and cruelty might be practised, but did create a probability of such means being practised which amounted almost to a certainty.

Conclusion.

My Lords, I have answered the only defences I have heard set up upon these subjects. I will not recapitulate more of what I have said, but I will here sit down, hoping that, though I may have misspent much of your Lordships' time, from not being able to state these things in so correct, accurate and methodical, a mode as I could wish, yet that your Lordships' time and patience has not been wholly

9 JUNE 1790. wasted and thrown away, but that I have proved such a scene of iniquity, both with respect to the receiving bribes and collecting the revenues, as will call upon your Lordships for, not only a verdict of "Guilty," but a punishment of as severe and weighty a nature as ever was inflicted upon any man in this country, for any misdemeanour whatever.

SPEECH OF THE HON. ANDREW ST. JOHN, MANAGER FOR THE HOUSE OF COMMONS, IN OPENING THE FOURTH ARTICLE OF CHARGE, RELATING TO CORRUPT CONTRACTS; 23 MAY, 1791.

23 MAY 1791.

My LORDS,—I am instructed by the Managers for the Commons to open to your Lordships the evidence which is to make good the fourth Article of this Impeachment.

Apology for deficient ability.

Till this moment, my Lords, the conduct of the most important cause which has ever been agitated in the world has been in the hands of gentlemen whose talents and eloquence must have, undoubtedly, made upon your Lordships' minds that impression which the ends of justice require. It is now, however, my Lords, unfortunately for those ends, committed to a person who must naturally feel extremely apprehensive for the imperfect manner in which he is about to discharge the duties of the responsible and important situation in which he stands; and he must also, my Lords, feel extremely solicitous that your Lordships would not imagine that this part of the cause, which has been entrusted to him, is unimportant, because he is destitute of talents or eloquence.

Charge of prodigal and corrupt system of government.

My Lords, the Commons in this Article impeach Warren Hastings of having established in India a prodigal, but, above all, a corrupt, system of government. Prodigality in the management of the affairs of such a great commercial company as the East India Company, corruption in the government of such a great empire as that of Bengal, are, undoubtedly, my Lords, crimes of the first magnitude and importance; particularly when we consider the mighty operation that that prodigality and that corruption necessarily must have upon the revenues, the commerce and the credit, of Great Britain, but, above all, on that over which it is the bounden duty of the Commons to be eminently watchful—the liberties and constitution of Great Britain. For, my Lords, vain indeed would be all the cautious jealousy with which the Commons have till now watched the expenditure

23 MAY 1791. of public money in this country, and ineffectual would be all those restraints which the wisdom of the legislature has imposed upon the influence arising from it, if a Governor General of Bengal could, for the purpose of increasing his personal influence, establish a system of corruption. If he could, my Lords, all the fences which surround and protect the national virtue and public integrity would be broken down. The wisdom of our ancestors has surrounded and fortified this constitution with bulwarks capable of resisting all open attacks. But all those bulwarks are built upon one and the same foundation—the national virtue, the public morality, the spirit and love of liberty, inherent in the minds of the subjects of Great Britain. If, therefore, my Lords, anything tends to weaken that foundation, the bulwarks which are raised upon that foundation will not be capable of resisting even the slightest attack, and then the constitution of Great Britain will be no more. If, my Lords, the system which Mr. Hastings established had that tendency — and every corrupt system of government has a tendency to shake and to weaken the morals of the people, to extinguish the love of liberty and the pure flame of patriotism in the minds of those who are to govern — if the system which Mr. Hastings established had that tendency, I am confident I need not any longer impress upon your Lordships' minds the importance of this Article.

Instances of corruption classed under contracts, allowances and agencies.

My Lords, this Article charges Warren Hastings with having established a system of corruption; and, therefore, in the facts charged in this Article, it does not confine itself to one or two particular instances, but the instances of corruption brought are divisible under three distinct heads—corrupt contracts, illegal allowances, and agencies upon a principle which must appear to be meant to connive at corruption, and with a commission upon those agencies unlimited almost in extent.

Question of absolute discretion in expenditure.

Mr. Hastings bound to obey the orders of the Directors.

Before, however, I enter into the detail of this system, it will be necessary for me to make an observation or two [as to] whether Mr. Hastings, in the expenditure of the public money, was left to his own discretion, or whether he was bound to obey the orders of the court of Directors. My Lords, it was Mr. Hastings' duty to obey the orders of the court of Directors, not only as a servant of the Company, but he was specially bound to do so by an Act of Parliament. The Act of 1773 has, during the course of this trial, been frequently before your Lordships. It was the intention

of that Act to establish a regular system of subordination throughout all the possessions of the Company. With that view, it invested the Governor General and Council with certain powers to control and to superintend the other Presidencies. But, my Lords, the legislature, at the same time that it gave to the Governor General and Council of Bengal that extended authority, thought it wise to accompany it with certain restraints; for, in the very clause which gives to the Governor General and Council that controlling and superintending power, they are expressly enjoined to pay due obedience to all orders of the court of Directors. 23 May 1791.

Code of instructions from the Directors.

In consequence of that injunction, the court of Directors framed a regular code of instructions, to be the permanent rule of conduct in certain instances for the Governor General and Council. Before, however, they transmitted that code of instructions to India, they laid it before the most learned Counsel who then adorned the bar of this country, for their opinion —whether those instructions were legal with the Act of 1773, and consistent with its provisions. After those instructions had been sanctioned by the opinions of Mr. Dunning, Mr. Wallace, Sir John Skynner, Mr. Jackson and Mr. Sayer, they were transmitted to India. And it is the 36th article of those instructions that relates particularly to the manner in which contracts are to be made. The 36th article of the instructions is as follows:—

Sanction by the opinions of Counsel.

Article relating to contracts.

"As all the Company's business which can conveniently be performed by contract is so performed in Bengal, we have only to direct that all contracts, with the conditions, be publicly advertised, and sealed proposals received for the same; that every proposal be opened in Council, and the preference given to the lowest, provided sufficient security shall be offered for performance; and that all such proposals, with all proceedings thereon, be entered in a book, to be kept apart for that purpose and regularly transmitted to us."

Your Lordships therefore see that all contracts were to be advertised, and given to the lowest bidder, and that sufficient security should be taken.

Contract granted to Mr. S. Sullivan.

The first crime which is charged in this Article against Mr. Hastings is, granting a contract to Mr. Stephen Sullivan, the son of the Chairman of the court of Directors, in which contract he observed no one rule prescribed in that 36th article of the general instructions. Before, however, I detail that transaction to your Lordships, it will be necessary to see the manner in which opium first of all became a concern of the government of Bengal, and the manner in which that

23 MAY 1791. concern was managed, previous to the contract which was granted to Mr. Sullivan.

Management of opium by the Company.

From the earliest period of the British influence in Bengal, the management of opium had been in the hands of the gentlemen of the Council of Patna, as a monopoly for their private advantage. The best and the greatest quantity of opium is the growth of the province of Behar. But in 1773, upon the proposal of Mr. Hastings, it was taken as a monopoly for the exclusive benefit and advantage of the Company; and a contract to furnish that article was given to a native of the name of Mir Munnir. The Council enter upon their proceedings of that day the reason why they fixed upon this individual person for the purpose of executing that contract. It was that, having been employed by the gentlemen at Patna in the management of that business, from his experience in it he was the best calculated to conduct it with advantage to the public. I shall have occasion hereafter, my Lords, to remind you of that reason.

Contract granted to Mir Munnir in 1773.

The contract advertised in 1775.

In the year 1775, General Clavering, Colonel Monson and Mr. Francis, being arrived in Bengal, the Council then paid a strict obedience to all the orders of the Company, and particularly to all such orders as related to the management of the revenues or expenditure of the Company's money. They accordingly advertised the contract; and it was granted to Messrs. Griffiths and Wilton, the lowest bidders. But short was the period in which the Government of Bengal made the orders of the Company the rule of their conduct. That period was unhappily terminated by the death of Colonel Monson, by which, it is well known, Mr. Hastings obtained a decisive superiority in the Council. Freed, then, from the restraint which the faithful integrity of General Clavering, Colonel Monson and Mr. Francis, had imposed on him, he set himself heartily to work to establish that corrupt and prodigal system of government which it is my duty to prove to your Lordships that he did establish.

Corrupt system commenced by Mr. Hastings after Colonel Monson's death.

Grant of the contract in 1777 to Mr. Mackenzie.

In 1777, the contract was granted to Mr. Mackenzie, for three years, without advertising—an important deviation from the orders of the Company. Accordingly, the Company, in their general letter of the 23d of December, 1778, express their disapprobation of the contract having been given without advertising, because the best terms had not been obtained for the public. On the receipt of that letter, what did Mr. Hastings do? Did he, at the expiration of Mr. Mackenzie's contract, advertise it and give it to the

Disapprobation of the Company.

Contract again given to Mr. Mackenzie.

lowest bidder? No! he gave it again to Mr. Mackenzie, precisely on the same terms as Mr. Mackenzie had held it in the contract which had been censured by the court of Directors. 23 MAY 1791.

But, however determined Mr. Hastings might be not to be stopped in his corrupt career by the orders or repeated orders of the court of Directors, yet he had foresight enough about him to see that if, by a judicious management of that corruption, he could induce the court of Directors to wink at his crimes, he should have little to fear from the virtuous but feeble opposition he might still meet with in the Council of Bengal. It was for that judicious but criminal end that, in the year 1781, he gave the contract for opium to Mr. Stephen Sullivan. This gentleman, in order to have discharged the duties of the several situations in which either fortune or influence had placed him, must indeed have possessed universal talents. He arrived at Bengal in October 1780. He had scarcely put his feet on the shore when, on the same day, Mr. Hastings made him the assistant of his councils; and, as if to partake in the cares and labours of government was not sufficient to give employment to his active mind, Mr. Hastings added to that employment the office of Judge Advocate of Bengal. My Lords, Mr. Sullivan had scarcely taken his place at the Council table as Mr. Hastings' assistant, he was not yet warm in the seat of justice as Judge Advocate, when Mr. Hastings added to these employments one which could with no decency be held by a councillor of state or a judge — the employment of a contractor. The first step which Mr. Hastings took in that business was on the 16th of March, 1781, when he entered the following minute:—

Contract granted to Mr. S. Sullivan from corrupt motives

Various appointments enjoyed by Mr. Sullivan.

"As the present is the season for making advances to the contractors of the opium lands, and the contract has been annually settled, the Governor General recommends that it may be granted to Mr. Stephen Sullivan; and, to indemnify the contractor from any losses that he may eventually sustain [in the provision of this article by any disturbances that may happen in the Bahar province, in consequence of the present situation of our affairs, he further recommends that the contract may be granted for the term of four years from the 1st of next September], on the conditions of the present contract."*

Minute of Mr. Hastings recommending the assignment of the contract to Mr. Sullivan.

Here your Lordships see that the apprehensions which Mr. Hastings entertained in his mind, lest any disturbances should so arise in the Behar province as to interrupt the course of Mr. Sullivan's fortunes, were such as to induce him

The contract granted for four years.

* Printed in the "Minutes of the Evidence," p. 1313.

23 MAY 1791. to propose to the Council that that contract should be granted to Mr. Sullivan for four years, which, in the beginning of his minute, he says had been annually settled. But, if any disturbances were really likely to happen in the Behar provinces, was it likely that the bad effects of those disturbances could be obviated by committing the management of the nicest and most difficult of the Eastern manufactures to the conduct of a young man just arrived in Bengal, by whose mismanagement so valuable an article of local industry might have been lost? And here it is impossible not to call back to your memory the reason I mentioned at the beginning of what I have now been saying—the reason Mr. Hastings entered in the minute, upon giving the contract to Mir Munnir, to whom he first granted it—namely, that from his long experience he was best calculated to conduct it with advantage to the public. But, however the public might suffer from Mr. Sullivan's inexperience, care was taken that he himself should be no loser by it; for, though Mr. Hastings had, on the 16th of March, proposed that the contract should be granted to Mr. Sullivan precisely on the same terms as it had been held by Mr. Mackenzie, yet, on the 22d of March, only six days afterwards, Mr. Hastings comes to the Council, and moves that the penalty upon the non-performance of the terms of the contract shall not be as proportionably great as it was in the former contract of Mr. Mackenzie. I will read to your Lordships the very curious reason Mr. Hastings gave for that reduction of the penalty:—"The Board being of opinion that, if the penalty was fixed in proportion to the penalty annexed to the present contract,"—that was Mr. Mackenzie's—"that magnitude of the sum would defeat the intent of the stipulation." How the magnitude of the sum of the penalty was to defeat the recovery of any part of the stipulation I am at a loss to comprehend.

Inexperience of Mr. Sullivan.

Mitigation of penalty for non-performance of contract.

Mr. Hastings' reason for the mitigation.

Abolition of office of inspector.

But, my Lords, after the contract had been freed from all the incumbrance of an effectual penalty, the next measure was to remove the only remaining check upon the bad performance of the terms of it, and that was, to abolish the office of inspector, which had been appointed to examine the quality of the opium that was to be provided by the contractor; so that Mr. Sullivan, who had only just arrived in Bengal, had brought out thither with him so much innate knowledge in one of the nicest and most difficult of the Eastern manufactures that it was no longer necessary to maintain the

smallest degree of distrust of the perfection of that commodity which, I shall prove to your Lordships, requires, in ordinary men, long experience and minute attention to become masters of. 23 May 1791.

Sale of the contract by Mr. Sullivan.

As soon as the ceremony of signing the contract was over, Mr. Sullivan lost no time in putting the contract to the use which every step which had been taken in the business clearly showed was originally meant, namely, the selling of it. He sold it, almost immediately after he had the contract, to Mr. Benn. Mr. Benn soon afterwards sold it to Mr. Young; and Mr. Young was the person who, in point of fact, really executed the contract. Mr. Young gave for the purchase of the contract 15,000*l.* a year, for four years, namely, 60,000*l.* Now, whatever Mr. Young gave to an individual for the purchase of the contract he would have given to the public, if he had had an opportunity of doing so by the contract being advertised, according to the orders of the Company. From all these circumstances then it appears that, in a time of war and difficulty, Mr. Hastings did divert 60,000*l.* from the public treasury, in order to make the instant fortune of the son of the Chairman of the court of Directors.

Purchased by Mr. Young for 15,000*l.* a year.

Aggravation from period of the transaction.

Deposition of Cheyt Sing.

But, my Lords, what an aggravation it is of this prodigality and this corruption, when we consider the year and the time when this transaction happened. The contract was signed in June, 1781; and, in July of the same year, Mr. Hastings, assuming to himself all the power of the Company, clothing himself with all the arms of the Company, and grasping that sword of vengeance which was soon to fall upon the head of that devoted prince Cheyt Sing, went up to Benares to depose that unfortunate monarch, only because he had been dilatory in the payment of 50,000*l.*—a sum not equal to that which Mr. Hastings had been making a present of, as a gift, to the son of the Chairman of the India Company, as a welcome on his arrival in India.

Loss in the contract estimated at 160,000*l.*

But, though Mr. Young gave only 60,000*l.* for the purchase of the contract, it by no means follows that he gave the full value of the contract; and that will be best ascertained by comparing the contract which was given to Mr. Sullivan with the contract that was next given, agreeably to the orders of the Company, namely, the contract in 1785, to this same Mr. Young and Mr. Hetley; and, by that comparison, it appears that the loss sustained by the Com-

23 MAY 1791. pany in this transaction was 13 lacs 11,635 sicca rupees, which amounts to about 160,000*l*.

I have now, my Lords, done with the contract granted to Mr. Sullivan. I proceed next to the second crime charged in this Article, namely, the having engaged the East India Company in a smuggling transaction with China.

Smuggling transaction with China.

Illicit trade in opium to China.

In the answer which Mr. Hastings has made to this Article, he acknowledges that he knew the importation of opium was prohibited by the law of China, but, at the same time, asserts that it was proper and expedient for the Company to engage in it. Mr. Hastings is a gentleman of strange maxims. He has advanced many curious principles in politics and ethics; and he is to prove to the first nation in the world that they have carried on the trade of the world on mistaken principles; that faith and good dealing are [worthless], and that fraud and smuggling are the only means by which merchants can acquire fortunes or preserve characters. But I shall maintain that, as it was highly disgraceful to the India Company to engage in any illicit trade whatever, so it was highly criminal in him that engaged them in it. No pecuniary advantages, however great, supposing this transaction had been in that light advantageous, could have compensated for the discredit it brought upon the Company and the disgrace it fixed upon the British name. But under what penalties was this trade prohibited in China? The opium, on seizure, was burnt; the vessels in which it had been imported were confiscated; and the persons in whose possession opium was found for sale were punishable with death. And this is the trade which Mr. Hastings with coolness tells your Lordships it was proper and expedient for the Company to engage in!

Penalties on the importation of opium by the laws of China.

Disobedience to orders of Directors.

But, my Lords, the Company had not left him at liberty to judge of the propriety or expediency of any trade in opium; for, on the 15th of December, 1775, they order the opium to be consigned to the Board of Trade, by whom the produce of the sales was to be applied to the purchase of the investments for the year. On the 16th of May, 1780, Mr. Hastings takes from the management of the Board of Trade the sales of opium, and orders the opium to be consigned to the Council; and it is in consequence of that disobedience of the Company's orders that I attribute any difficulty, if, in point of fact, any difficulty did arise, in obtaining a sale for the opium afterwards.

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Monopoly of the opium trade recommended by Col. Watson.

But if any difficulty in point of fact did arise, whom did Mr. Hastings consult? Any intelligent or enlightened merchant, who had made that manufacture his particular study, or who might in general be conversant with the trade of the East? No, my Lords, it was a British officer, a colonel of engineers, whose advice was to give additional vigour to the declining commerce and expiring trade of the Company. Colonel Watson, for that is the name of this military merchant, in the beginning of 1781, delivered a treatise to the Council, in which he censures the manner in which, not only the English, but every European nation, had carried on the trade with China, and, in order to improve the British trade, he recommends the monopoly of opium; and his letter naturally concludes with a proposal of a ship of his own to carry this trade into execution.

Loans raised by the Company.

But Colonel Watson was not the only person employed in this disgraceful experiment of improving trade by the means of smuggling. Mr. Thornhill, another gentleman, made a similar proposal, which was also accepted; and, in order to enable these gentlemen to carry their project into execution, the Company engaged in two loans—the first loan on the 30th of July, 1781; the second loan on the 22d of November that same year. These dates, my Lords, are remarkable; for whilst the Council at Calcutta was converting the treasury of the Company into a bank, to enable them to carry on smuggling, Mr. Hastings was pleading state necessity to justify his cruel and perfidious conduct to Cheyt Sing, and to justify the plot he was forming against the Begums.

Loss accruing from the trade.

The supercargoes at Canton, in their letter of the 28th of December, 1782, write to the court of Directors, and give an account of the success of this project. They state the loss sustained by the Company at about 69,000 dollars. They say that that loss arises from the trade being contraband, and also from the circumstance that private interest seems to have interfered too much for any advantage to be derived by the public. But I wish to lay no stress whatever upon the loss sustained by the Company in this transaction. Had it proved ever so advantageous, the crime, in my opinion, would have been precisely the same, because the crime was the having engaged the East India Company and the government of Bengal in so mean and disgraceful a transaction. The loss only showed the Company were very awkward smugglers.

3 MAY 1791. In the answer which Mr. Hastings has made to this Article, he has asserted that there was no such thing as a private purchaser at the moderate rate of 400 rupees a chest. He asserts this, in order to justify his attempt at selling the opium by means of this contraband trade. But this same Colonel Watson, who was the instrument and means of carrying on this smuggling business, did, himself, make an offer to the Council to take 250 chests of opium, at any price the Council should think reasonable. The Council fixed what, in my opinion, seemed a reasonable price, namely, the average price of the last year's sales. The average price of the last year's sales was 486 rupees a chest. Therefore Colonel Watson, the same person who carried the opium to China under this pretence, did himself, give for 250 chests of opium 486 rupees a chest.

I stated, however, the loss as accounted for by the supercargoes at Canton at 69,000 dollars; but I think the fair way of estimating this loss would be to compare it with what opium did, in point of fact, sell at, in any quantity, at Calcutta, at that time. For, though Mr. Hastings has made a pretence of there being no sale for opium, in point of fact, in the course of that year, there were sold 3,549 chests, which produced upon an average 380 rupees per chest. A great part of this opium was Bengal opium, and of an inferior quality.

Now, supposing the opium sent to China had been sold even ten *per cent.* lower than the price paid for this opium which had been sold at Calcutta, the Company would have received 3 lacs 91,385 rupees more than they received by sending the opium to China; therefore the real loss sustained by the Company was 3 lacs 91,385 rupees, amounting to 39,000*l.*

Other instances of corruption.

But, my Lords, as Mr. Hastings' government was in every part of it a system of corruption, his disobedience to the orders of the Company, and his waste of their treasure, was not confined to the management of opium alone, but extended in an equal, if not in a greater degree, to every branch of the expenditure of their money. No part of the expenditure of the Company's money had the court of Directors been more anxious to keep out of the reach of abuse, not only to prevent the extent to which that abuse was liable to be carried, but because the object was of the utmost importance to them, considering them as possessing a

Precautions of Directors respecting contracts for bullocks.

great military establishment in India—I mean that there was no part of that expenditure of which they were more anxious to prevent abuse than the different contracts which had been made for furnishing bullocks for the draft of the baggage of the army. So early as 1770, the court of Directors had entered into a minute investigation of the different abuses that had prevailed at that time, in the different contracts that had been granted for that purpose; and in consequence of that investigation they sent these orders to Bengal:— 23 May 1791.

Order for advertising the contract.

"It is our express order, and we hereby positively direct, that you do not fail every year to advertise for and receive such proposals as may be offered for supplying the troops with provisions [and for furnishing draught and carriage bullocks, to be employed with our army; and that you do in all cases accept those proposals which may appear the most reasonable in point of charge: and you are also to take care that, in all your advertisements, a sufficient time be allowed before the expiration of the contract which may then subsist, or the time which you may limit for receiving] proposals for such contract." *

I need hardly mention to your Lordships that, during that period in which the majority of the Council was composed of General Clavering, Colonel Monson and Mr. Francis, this order, together with all other orders, was strictly obeyed. But, my Lords, in 1777, as soon as Mr. Hastings had an opportunity to disobey those orders, he laid before the Council two proposals for furnishing this contract—the one from a Mr. Johnson, the other from a Mr. G——; and, upon the motion of Mr. Hastings, the proposal of Johnson is accepted for three years, without the contract being advertised; by which the orders of the Company were doubly disobeyed, inasmuch as the contract ought to have been advertised, and ought not to have been given for a longer period than one year.

Assignment of contract to Mr. Johnson without advertisement.

But, on the 15th of July, 1779, Sir Eyre Coote lays before the Council certain emendations, as they were called, of this bullock contract. There had expired, of the period of Johnson's contract, only about a year and a half. On the 9th of August, Mr. Hastings moves that a new contract shall be entered into, agreeable to the plan proposed by Sir Eyre Coote, and that an offer shall be made to the then contractor to relinquish his former contract and accept a new one in conformity to that plan. Mr. Johnson desires

Emendations in the contract proposed by Sir Eyre Coote.

* Letter of Court of Directors to the Council; dated 23rd March, 1770, paragraph 134.—Printed in the "Minutes of the Evidence," p. 1341.

23 May 1791.

Contract assigned to Mr. Crofts.

that this new contract shall be made out in the name of Mr. Crofts. Mr. Crofts is acknowledged to be the confidential friend of Mr. Hastings, and this contract will appear to have been indeed a very valuable mark of his friendship. I shall not now enter into any nice calculation or accurate detail of its worth, as that will more clearly appear after your Lordships have heard the evidence. I shall only mention some of the most striking circumstances in it.

Length of contract.

The contract was made for five years certain; and if, at the expiration of the fourth year, notice was not given that it was not to expire at the end of the fifth, then it was to continue for six years.

This, my Lords, was indeed a most flagrant violation of the orders which I have just read to your Lordships; because those orders direct, in very positive words, that no contract shall be granted for a longer period than one year. But Mr. Hastings' experience might have taught him the wisdom and policy of that order; for he had granted the contract to Mr. Johnson for three years, and, when only half the period of Johnson's contract had expired, Mr. Hastings proposes that the contractor's leave shall be asked to give up his contract, alleging that Mr. Johnson's contract had been made in time of peace, and was not calculated upon a scale sufficiently extensive for the operations of war.

Re-purchase of the contract.

But might not a similarity of reasoning have pointed out to Mr. Hastings that, as war had succeeded peace, peace might succeed war, and that then the consent of the contractor must be again asked to give up his contract, which, as it was upon a larger scale, for a greater number of bullocks, and those contracted for at a higher rate, the contractor would not be willing to relinquish unless he was compensated? What might have been foreseen did actually happen, and the contract was, as your Lordships will see by and by, actually purchased.

Contract made for larger number of bullocks than the service required.

But this contract was also made for a larger number of bullocks than the public service could in any situation require. It was made for 6,700 bullocks. Sir Eyre Coote, on the 3d of August, had entered on the military consultations a calculation of the number necessary for a brigade of the army in the field upon actual service. The number said to be necessary was 1,358. The army consisted of three brigades; therefore the number necessary, in the opinion of Sir Eyre Coote, the Commander-in-Chief, was 4,074 only. But, as it was scarcely possible that the whole of the army

should at one and the same time be called out in the field upon actual service, that number was the utmost number which the public service could in any situation require. But the service of the contractor required something more; therefore upon the 9th of August Mr. Hastings proposes a contract shall be made for 6,700, namely 2,626 more than, in the opinion of the Commander-in-Chief, would be necessary if the whole of the army was called out upon actual service. 23 MAY 1791.

Increased rate of contract.

Upon that head alone, I believe, the additiona l xpense, incurred by contracting for 2,626 bullocks more than was necessary, amounts to about 35,000*l.* a year. But the rates at which the whole numbers were contracted for were increased; and the difference which that made between Mr. Crofts' contract and Mr. Johnson's was 234,419*l.*, and the whole difference of the expense, I believe, between Crofts' contract and Johnson's, was 304,885*l.*

Neglect of order to advertise th contract.

Sometime, and, I believe, immediately after this contract was signed, the Governor-General and Council ordered that copies of it should be published in general orders, and, I believe, read at the head of every regiment in the service. They had taken that step to give notoriety to the transaction, when the Company's letter of the 23rd of December, 1778, arrived in Bengal, which letter censures the contract which had been granted to Johnson, because it had been granted for three years, and not advertised; and the court of Directors, in that letter, with the view of enforcing obedience to their orders in future, direct that the 134th paragraph of their letter of March, 1770—which included the orders relative to the manner of making bullock contracts—should be given out in general orders, and read at the head of every regiment in the service. If Mr. Hastings had complied with that order he would have stood in a very whimsical and awkward situation. On the one hand would have been read the contract granted to Crofts, and on the other would have been read the orders of the court of Directors censuring the mode in which that contract had been granted. Mr. Hastings would, therefore, have proclaimed to all India his own disobedience, and every adjutant would have contrasted, at the head of every regiment, on the one hand, the orders of the Company, and on the other, Mr. Hastings' corrupt and wilful disobedience of them.

In order to avoid disgrace, Mr. Hastings hit upon an expedient perfectly characteristic of himself. He wrote to the court of Directors, and coolly told them that, when they

23 May 1791. directed him to publish the 134th paragraph of that letter of 1770, they had made a mistake, and that they meant to have ordered him to have published the 135th, which had nothing to do with it. Indecent, my Lords, and improper as that mode was of avoiding the Company's orders, yet I cannot help thinking it even less criminal than a reason which he has given in his answer to your Lordships why he disobeyed some subsequent orders.

Renewal of contract on failure of notice.

Order of Directors for giving the notice disregarded.

There was, as I mentioned, a clause in the contract by which, if notice was not given at the end of the fourth year that the contract was to expire at the end of the fifth, then the contract was to continue for six years. I think it is some time in 1781 that the court of Directors censure the contract which had been granted to Mr. Crofts. They disapprove of the terms of it, the length of its duration, and the manner in which it had been granted; and they expressly order that, in future, no contract shall be granted for a longer term than three years, and that, always, one year before its expiration, notice shall be given to the contractor, and advertisements published for proposals for the next contract. In conformity to these orders, it was Mr. Hastings' duty to have given notice to the contractor at the end of the fourth year, and to have then advertised for proposals when the contract should expire. But he tells you in his answer that he did not do so, because the attention of the Board was not at that time immediately called to the subject.

Price paid for re-purchase of the contract.

My Lords, the attention of every public man to the duties of his situation ought to be perpetually in his mind, and he ought not to require to be perpetually reminded of them. But, my Lords, this reason was, in point of fact, only a pretext, to enable him upon a future opportunity to give an extravagant price for the purchase of the right which the contractor had acquired in the contract, by Mr. Hastings' inattention to his duty. Accordingly, on the 26th of January, 1784, Mr. Hastings makes a proposal to that purpose; and the price actually paid to Mr. Ferguson, who was now become the contractor, was 3 lacs 39,327 rupees, about 37,000*l.*; of which, 6,900*l.* was for the immediate surrender of the contract, and was the price which was paid for that instance of Mr. Hastings' neglect.

Contract converted into agency, against orders of the Directors.

Soon after, Mr. Hastings converted this contract into an agency. Agency, he knew perfectly well, was a mode of conducting the Company's business generally, and, I believe, universally, disapproved of by them; but he had sometime

before received some particular orders upon the subject, namely, their censure upon the agency which had been granted to Mr. Auriol; so that he not only knew that agency was a mode of conducting the public business disapproved of by the Company, but he had, in the Company's letter of July, 1782, their express orders not to conduct any of their business, if it was capable of being conducted otherwise, by the mode of agency. 23 MAY 1791.

Corrupt means employed to secure the support of Sir Eyre Coote in the Council.

I come now, my Lords, to a part of the Article in which is implicated the character of an officer who, during the course of a long military life, performed many services to the state as well as to the Company—I mean Sir Eyre Coote. But attention to the character and memory of that person ought not to be carried so far as to induce us to shut our eyes to one of the most corrupt transactions during the whole time of Mr. Hastings' government in India. When Sir Eyre Coote arrived in Bengal the Council was composed of Mr. Hastings, Mr. Barwell, Mr. Francis and Mr. Wheler. Mr. Hastings possessed the majority of the Council only by his casting vote. It was, therefore, of the utmost personal importance to Mr. Hastings to obtain, by any possible means, the support of Sir Eyre Coote; and I am sorry that the means by which he did obtain the support of Sir Eyre Coote cannot be mentioned with any credit to the memory of that departed officer.

Salary as member of Council and Commander-in-Chief.

The Act of Parliament of 1773 fixes the salary of all the subordinate members of the Council at 10,000*l.* a year. There was an order of the court of Proprietors fixing the salary of the Commander-in-Chief at 6,000*l.* a year; so that Sir Eyre Coote, being one of the Council and also Commander-in-Chief, was possessed of an income of 16,000*l.* a year. Soon after his arrival in Bengal, Sir Eyre Coote made an application to the Council to receive the allowances which had been granted to General Stibbert, amounting to about 8,000*l.* a year. I need hardly mention to your Lordships that, whilst General Clavering was Commander-in-Chief, he received no more than the salary which was fixed by the court of Proprietors, namely, 6,000*l.* a year; and, what is remarkable, Sir Eyre Coote himself brought out a letter with him from the court of Directors, directing that no Commander-in-Chief should be allowed a greater salary than what had been possessed by General Clavering. When this requisition of Sir Eyre Coote is considered by the Council, Mr. Hastings, instead of acquiescing in Sir Eyre Coote's

Allowances.

23 MAY 1791. demand and giving him the amount of General Stibbert's allowances, moves that he shall receive, not eight thousand a year addition, but eighteen!

The allowances charged to the Nawab of Oude.

And here is another curious circumstance in the business. There was a clause in the Act of Parliament, directing that no member of the Council shall on any account whatever receive any present, donation or gratuity, of any kind, from any of the native princes of India. But Mr. Hastings, with that clause before his eyes, moves that Sir Eyre Coote's allowances shall be put to the account of the Nawab of Oude, one of the native princes of India. Therefore Mr. Hastings in his place in the Council moved, not that the Act of Parliament should be broken as far as it concerned himself, but, what was rather more disgraceful still, that that injunction of the Act should be broken as far as related to Sir Eyre Coote. There was, besides, my Lords, the treaty of the year 1775, with the Nawab of Oude, in which the terms of the subsidy are fixed, the pay of the brigade in his service is ascertained, and there is a clause which says, on no account whatever shall any demand be made beyond that on the Nawab of Oude.

Correspondence with the Nawab.

Besides this disobedience of the Act of Parliament, in order to avoid the orders of the court of Proprietors fixing the salary to be paid by the Company at 6,000*l.* a year, a treaty with the Nawab of Oude was to be broke; and a letter is written to the Resident, Mr. Purling, to desire that he would acquaint the Nawab of Oude, that, whenever Sir Eyre Coote was beyond the Kurumnassa, then he was to be debited for the amount of his allowances. Such a letter is written; and the Nawab returns a very curious answer—that if double had been asked he would willingly have granted it, as he had done to other gentlemen. Upon that answer of the Nawab a curious correspondence begins. Mr. Hastings and the Council desire that Mr. Purling would apply to the Nawab to know what he means when he says—"as had been done to other gentlemen." The answer the Nawab gives is, that he had never given anything to any other gentlemen; if he had he would not have told it; and that the question was not proper to be asked. This created suspicion with regard to other people. But, though a letter had been written to the Nawab telling him that he was to be debited only for the amount of those allowances during the time Sir Eyre Coote was beyond the Kurumnassa, yet, wherever Sir Eyre Coote was, the account of the Nawab

was, in fact, debited for the amount of those allowances. When these circumstances are told the court of Directors, they send an immediate order to Bengal to put a stop to these allowances. Mr. Hastings apparently does put a stop to these allowances; but, in point of fact, Mr. Hastings by his own authority, not only continues the amount of them upon the Nawab, but even increases them; so that, after the orders of the Directors have been received that Sir Eyre Coote is not to receive the 18,000*l.* a year, they are increased to the amount of 20,000*l.* The whole amount with which the Nawab was charged for Sir Eyre Coote amounts to 73,984*l.* But during this period General Stibbert also received his allowances; so that the whole money which has been lost by the Company and by the Nawab of Oude in this transaction amounts to 108,991*l.*

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Order of the Directors to stop the allowances.

Increased allowances charged on the Nawab.

Total of charge.

The next crime charged in this Article against Warren Hastings is, the agency granted to Mr. Auriol. The pretext for this agency was the distressed situation of the settlement of Madras, and the famine which prevailed in the Carnatic. It was, undoubtedly, Mr. Hastings' duty to provide every means for the relief of the settlement of Madras, and for the support of the inhabitants of the Carnatic; and if, in the discharge of that duty, Mr. Hastings had with a liberal and humane hand applied all the means which either the revenues of Bengal or the credit of the Company would have afforded, he would, in my opinion, have deserved praise instead of punishment, and I would have spoken of him in the language of the humane religion which we profess—"Charity covereth a multitude of sins." But if, my Lords, the prodigality in this transaction arose from no such humane enthusiasm, but from a corrupt intention to make the fortune of a favourite individual, I have then to lament that the heart of that unfortunate gentleman did not glow with those sentiments of charity and humanity which I am confident animate the minds of every one of your Lordships.

Agency granted to Mr. Auriol.

Distress at Madras, and famine in the Carnatic.

My Lords, can anything be more flagrant, can anything demonstrate the prodigality and corruption of this transaction more, can anything stamp it with the marks of corrupt connivance in a more indubitable manner, than the principle upon which this agency was founded—this mode of accounting upon honour—this new rule of arithmetic? My Lords, applying to matters of account the assertion of a gentleman or his word of honour, instead of proof and instead of vouchers, is perverting the noblest sentiments of the

Accounts passed without vouchers.

23 May 1791. human mind implanted in the breast of man by God and nature for the wisest and the best of purposes. It is prostituting those generous, innate, sentiments, which direct men by innate feelings to the pursuit of honourable ends, and deter them from bad actions by the fear of shame. My Lords, the mere mention of such a way of account, the mere statement that Mr. Hastings had turned the counting-houses of the India Company into courts of honour, is such a circumstance as puts Mr. Hastings, I will venture to say, in a more criminal point of view than almost any transaction during the whole course of his administration in Bengal.

Similar agency held by Mr. Hastings.

But this is not all. This transaction stands in a very aggravated point of view indeed. In the year 1777, Mr. Hastings had entered into an agency upon similar principles. That agency had been granted to a Colonel, who had parted with it, endorsed with his word of honour, to Mr. Vanderhagen.

Censured by the Directors.

The court of Directors, in their letter of the 23rd of December, 1778, censure that agency, and express themselves in this manner:—

"As the case now stands, the honor of Mr. Vanderhagen is to be taken for the justness of his bills; and it is evidently become his interest to expend as much money as possible on the cantonments, [because he draws a commission of 15 per cent. on his disbursements. We do not mean to arraign the integrity of the present agent, but we shall ever disallow all modes of conducting public business on principles which make the honour of the agent the criterion of the amount of his disbursements, and render his interest incompatible with frugality], and consequently with the welfare of the Company."*

This letter arrived in Bengal on the 13th of November, 1779. Mr. Auriol was Secretary to the Council, and an order was made by Mr. Hastings that Mr. Auriol should transmit to Mr. Vanderhagen this censure upon this way of accounting.

Application of Mr. Auriol for agency to supply provisions, accounting upon honour.

Mr. Auriol does transmit that censure, but, in about nine or ten months afterwards, Mr. Auriol comes to the same Council who had ordered him to transmit that censure to Mr. Vanderhagen, and requests to be allowed to have an agency accounting upon honour. His request is not only

Granted on Mr. Hastings' recommendation.

granted, but infinitely more than his request is granted; for his request is, to supply Madras with provisions, and to deliver in his accounts upon honour, receiving the usual commission. When that proposal is considered, Mr. Hastings moves that an agency shall be granted to Mr. Auriol to

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* Printed for the House of Commons, March, 1786.

supply, not Madras alone, but every settlement of the India Company, even including the little island of St. Helena, which was not to escape out of the verge of this corrupt transaction. Mr. Hastings moves that Mr. Auriol shall be appointed agent for all the Presidencies and settlements of the India Company; and, instead of the usual commission, he moves that he shall have a commission of fifteen *per cent.* 23 May 1791.

My Lords, it is curious—the way in which these accounts of Mr. Auriol's come afterwards before the Accountant General. They are referred to the Accountant General, Mr. Larkins, and he considers them. He says he is not at liberty to call for any vouchers, because Mr. Auriol is upon honour, but that the addition of the sums is correct. And so all Mr. Auriol's accounts have passed. And it is not a trifling sum; for the whole money which has been issued to Mr. Auriol, and which is accounted for, at this moment, in no other manner than upon Mr. Auriol's word of honour—which as far as the word of honour of any individual goes, may be good; in a circumstance in which that word of honour is fit to be taken, I make no doubt but Mr. Auriol's is as good as mine or any other gentleman's—but in a matter of account, Mr. Auriol's word of honour is the only proof or voucher of the right expenditure of 430,000*l.*, at this moment unaccounted for in any other manner; and the amount of his commission upon that sum is 34,397*l.*

The accounts referred to the Accountant General.

Vouchers not produced.

Amount of the account.

There is remaining only one more article of criminality in this Article, namely, the agency which was granted to Mr. Belli. This was an agency to supply the garrison of Fort William with stores and provisions. It was a new appointment, and, in the opinion of some, unnecessary; but, after the Council had agreed to create such a new appointment, a doubt arose how to fix the degree of commission which the agent was to have upon the amount of his disbursements, and for his trouble, and the waste of stores and other articles. It is agreed by the Council to refer the decision of that circumstance to merchants of character. The opinion of merchants is taken, and they report that twenty *per cent.* is sufficient. Mr. Hastings, who had agreed in taking the opinion of merchants, when he has that opinion, instead of acting upon it, moves that the commission shall be thirty *per cent.* instead of twenty; and, when that is objected to, he says that he will make himself responsible for the honesty of the agent that he proposes, namely, Mr. Belli, who was his private secretary; that he will make himself

Agency granted to Mr. Belli, to supply stores to Fort William.

Extravagant commission allowed.

23 May 1791. responsible, not only for his honesty, but also for the amount of that commission, if the court of Directors should disapprove of it. The court of Directers do disapprove of it, and require Mr. Hastings to see that the amount of that commission should be lessened, and that Mr. Belli shall only be permitted to draw for twenty *per cent.* When this letter comes to Fort William, Mr. Hastings shuffles it off, and refers it back again to the court of Directors. In the meantime, to secure the profit to Mr. Belli, he moves that a contract shall be entered into for five years; and the date upon which that motion was made was the famous day, the 9th of August, 1779, when he had moved that the contract should be granted to Mr. Crofts for five years. That contract was accordingly granted to Mr. Belli; and the amount of the commission drawn by Mr. Belli beyond the twenty *per cent.*, which was the amount the merchants had fixed it at—and amongst those merchants was this same Mr. Crofts—the amount drawn beyond the twenty *per cent.* was 34,433*l.* Therefore the loss sustained by the Company in that transaction was 34,433*l.*

Letter of the Directors, disapproving the commission.

Contract granted for five years.

Loss to Company from excess of commission.

I have now, my Lords, gone through the different articles of crime in this charge. I am perfectly conscious that I have gone through it without doing justice to the subject; but, at the same time, my Lords, the facts which will appear in evidence, and the able manner in which that evidence will be commented upon, will be such as will make up for any inability on my part. But, at the same time, before I sit down, I will state to your Lordships the whole amount of the loss sustained by the Company upon each of these different transactions, and add them all together.

General amount of loss from the several contracts.

Loss on contract to Mr. Sullivan.

The amount of the loss upon the contract granted to Mr. Sullivan is 13 lacs 11,635 sicca rupees, amounting to 163,954*l.* I estimate this loss, comparing it with the contract which was granted in 1785, agreeably to the orders of the Company, when the best terms had been obtained by the Company, in consequence of the contract having been advertised and given to the best bidders.

Loss on illicit trade to China.

The next article of loss is the illicit trade in opium to China; that is, comparing it with what the opium would have sold for at Calcutta, if it had not been exported to Canton, amounting to 39,138*l.*

Loss on bullock contract.

I next come to the bullocks. The loss of the Company in that transaction may be calculated in different ways. But supposing—what was not the case—supposing that these

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6,700 bullocks were necessary, the increase of the rate at which they were contracted for beyond the rate of Mr. Johnson's contract would be a sum of money in the pocket of the contractor of 185,639*l.*; to which must be added what was paid to Mr. Ferguson for relinquishing his contract, and also 10,000*l.* given to Sir Charles Blunt as agent for the purchase, I believe, of the bullocks. But in this calculation is omitted the amount of the expense of the 2,626 bullocks beyond what was necessary: and the whole loss upon the bullocks amounts, in the number I have mentioned, to 203,468*l.*

The next article is the loss on Sir Eyre Coote's and General Stibbert's allowances, amounting to 108,991*l.*

Loss on agency of Mr. Auriol.

The next is the agency of Mr. Auriol; the loss upon which is 34,397*l.*, which is the amount of his commission at fifteen *per cent.* beyond the usual commission of five *per cent.*

Loss on agency of Mr. Belli.

And, last of all, is the agency of Mr. Belli, which is 34,433*l.*;—all together amounting to 584,381*l.*

Reflections on the injury sustained by the Company.

Now, my Lords, there are various ways in which one might compare that loss, and show the bad effects it had, and the enormity of it. The amount of the capital stock of the East India Company, at that time, was three millions sterling; the interest payable upon it was eight *per cent.*; therefore the dividend upon that stock would be 240,000*l.* Then, my Lords, the loss which the Company sustained, by the extravagant and profligate waste of money and corrupt transactions which I have detailed to your Lordships, amounts to more than two years dividend upon the whole capital stock of the India Company at that time.

Corrupt motives.

But there is another point of view in which I shall beg your Lordships to consider the profligacy, extravagance and corruption, of this business. There have been before your Lordships, during the course of this trial, many circumstances justified—indeed all the Articles which have been gone through, till this, have been different acts of bribery, justified—I think not justified, but attempted to be justified—upon the ground of the distressed situation of the Company. Compare, my Lords, the amount of those different bribes so taken—taken most undoubtedly, some of them, with a view of not being put to the Company's account, but wrested from Mr. Hastings' pocket in various manners by consciousness of his own guilt and fear of detection—compare the amount of these profligate transactions and this extravagance with the amount of the money so obtained for the East

23 May 1791. India Company. Compare it with the amount of the money which Mr. Hastings obtained, by various infractions of the treaty, from Cheyt Sing, which amounted to three years' payments of only 50,000*l.* each, that is, 150,000*l.* Compare it with the money obtained by that violent and cruel measure of driving the Nawab to plunder his mother. The money obtained was, I believe, fifty-five lacs of rupees. The amount of that money was not equal to the amount which Mr. Hastings had squandered in providing for several dependants, by whose support he was in hopes to have obtained impunity for his crimes. Then you will be able to understand the motives and grounds upon which Mr. Hastings has endeavoured to justify those many violent acts of cruelty and oppression.

Besides the allowances granted to Sir Eyre Coote, under the head of allowances charged to the account of the Nawab Wazir, there may be possibly other allowances upon which evidence may be brought.

Conclusion. My Lords, I am sensible that I have taken up more of your Lordships' time than I ought to have done. I now sit down, trusting that you will make every allowance to the imperfect manner in which I have discharged the duty of the situation in which I now stand, confiding that the strength of the evidence, and the able manner in which that evidence will be commented upon, will make up for all my inability.

SPEECH OF SIR JAMES ERSKINE ST. CLAIR, MANAGER FOR THE HOUSE OF COMMONS, IN SUMMING UP THE EVIDENCE ON THE FOURTH ARTICLE OF THE CHARGE, RELATING TO CORRUPT CONTRACTS; 30 MAY, 1791.

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My Lords,—The Commons having now closed the evidence in support of this Article of Charge, it becomes my duty to endeavour to perform the task, which they have done me the honour to impose upon me, of recapitulating to your Lordships the evidence you have heard, and submitting to you such arguments as, in our judgment, properly result from it. But, before I enter on that detail, perhaps it will become me to state shortly to your Lordships the scope and nature of the charge, and also the object and ends which the Commons have proposed to themselves in insisting upon this Article.

Scope and nature of the charge.

My Lords, this charge contains a system of domestic mismanagement in the administration of the public treasure, and in the application of it to the purposes of corruption.

My Lords, the Commons, independently of the general object of repressing great public iniquity by great public example, had this principally in their view—to endeavour by this Article to meet that plea which Mr. Hastings and his friends, both within these walls and without, have endeavoured to set up, as some palliation of those crimes of injustice and extortion which have been proved before your Lordships in the Articles which have preceded this. We have done it to meet that pretence of overruling necessity which, I am ready to admit, is almost the only defence that these crimes were capable of.

Object in the charge to meet the plea of necessity.

My Lords, we trust, by the Article, we have shown that that necessity, so far from imperious and domineering, was the artificial creature of his own extravagance; and that that profusion which we charge him with was resorted to for the base and discreditable purposes of corruption—and corruption merely. My Lords, in his government, and in the

The necessity created by Mr. Hastings' extravagance.

His principle of in-

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gratiating himself with persons in power at home, and securing factious adherents abroad.

distribution of the public patronage which justly and properly belonged to his station, or in that part of it which he corruptly created and invented, he seems, in the disposition of both, to have had two objects, and to have pursued two purposes uniformly and steadily;—the one, to ingratiate himself with persons in considerable power and authority at home, by providing for their friends and connections in India; the other, to attach to himself a body of determined and factious adherents abroad, that, by involving them in one common cause, through their united exertions and combined influence, he might be enabled to have power and authority enough at home both to secure the continuance of his power and his station, and to give him a reasonable prospect of indemnity for the abuse of it.

Reasons for the rejection by the Commons of many of the Articles of charge.

My Lords, having premised this, it may be, perhaps, just that, for their own sakes, the Commons should be inclined to justify themselves, inasmuch as they have only brought in proof of this system five articles of accusation. It is true, if we had been so minded, or if a sound discretion could have warranted us in so doing, we should have been able to have adduced in proof before your Lordships, in support of this system of corruption and disobedience which we charge, almost every public act of Mr. Hastings, in so far as it related to the distribution of public patronage or the supply of any article necessary for the public service. But to have gone to that length, you know, would have been impossible. You have already seen the prolixities and difficulties that have attended us, in a matter which involves much account even in this short part of it. But I think that, both in your Lordships' judgment and in that of the public, we shall appear to have selected five instances of the utmost magnitude and importance, as specimens and examples of the different forms and varieties into which the corruption of Mr. Hastings had branched and diversified itself, rather than to have shown you all the guilt and all the criminality which, we think, we could have made the result of an examination into the whole of his conduct.

Opium contract granted to Mr. Sullivan.

I will not trouble your Lordships with any more prefatory matter; but shall now proceed to state the evidence upon the opium contract granted to Mr. Sullivan, in the year 1781.

Custom of the service to obtain supplies by contract.

It is necessary that I should observe, first, that it was both directed by those orders which you have heard read, and confirmed by the general established practice of the

service under those orders, that, in all matters of supply for the public service—in all contracts for the provision of any article necessary to the public in any branch—it should generally be done by contract. The court of Directors, in the 36th paragraph of their general instructions, under the regulating Act of Parliament of 1774, speaking of the service being performed by contract, say, "We direct that you always put the terms up to public advertisement, and accept the lowest proposal, with sufficient security for the performance." To that order, in almost every instance, I have to state the disobedience of Mr. Hastings. And I will just take this opportunity to remark, that, in the granting the remissions of contracts or the creation of agencies, either for the provisions of the army or the purchase of any article of commerce or manufacture, like opium, orders upon that subject were orders simply to guard the interests of the Company against private favour and private partiality; and that, if it be possible to conceive any order, of any kind, which there can be no honest pretence for a Governor General to disobey, it is an order of that nature. With respect to orders of a political nature, they may pretend sometimes a change of circumstances—that the state of India was not known to their masters at home when the order was sent out. But, in a general regulation to guard the Company's interest against the encroachment of private favour, personal friendship or corrupt partiality, there could be no change of circumstances—there could be no possible circumstances—known to Mr. Hastings at the time of executing the order, that were not known to the Company at the time of making it; and, therefore, that usual plea for disobedience which has been often pretended by Mr. Hastings is, in this case, rooted up.

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Order of the Directors.

Orders against private partiality.

My Lords, this order had been previously disobeyed in a contract given to Mr. Mackenzie for the provision of opium. The terms of that contract were sent home; and that very circumstance of not advertising for proposals was condemned by the court of Directors. At the expiration of that contract, Mr. Hastings granted the same contract, upon the same terms, to Mr. Sullivan, for four years, not only without advertising for proposals, but without having received any upon the subject.

Previous disobedience to the order in the contract given to Mr. Mackenzie.

And here I must entreat your Lordships to advert to the proceedings and the consultations of that time and that period, in order that you may see that this contract was granted under very extraordinary circumstances — not

Extraordinary circumstances of the grant of the contract to Mr. Sullivan.

30 May 1791. only without advertisement, but without any of the previous steps which had been usual in matters of the same nature. The contract came in such a questionable shape and such an extraordinary form, that the secretary of the Council, used as he might be, in 1781, to transactions of private favour from Mr. Hastings, found it so irregular and so anomalous that he was almost incapable of preparing the draft upon it; and he had to submit himself to Mr. Hastings for further instruction and further advice, in order to enable him to reduce even to a legal shape this extraordinary grant to Mr. Sullivan. Mr. Hastings in that transaction smooths all difficulties in a moment. Is there any observation of the secretary's that might be a check or an inconvenience to Mr. Sullivan? It vanishes. Is there any allowance that would be a favour or an advantage? It is admitted without an inquiry. Mr. Hastings says, with a noble and gallant indifference upon the subject, "Let the allowance be given to him, and let it be ascertained." But it is given to him first, to be ascertained hereafter.

Abolition of office of inspector.

I will just take this opportunity of observing upon a fact that the cross examination of the Council made of importance. Your Lordships recollect that Mr. Hastings abolished the office of inspector. His duty was to attend to the proper quality of the manufacture; because any adulteration in a small part of it rendered the whole, as the evidence has told your Lordships, suspicious, and destroyed the market in the Malay Islands, to which it was generally exported. Mr. Hastings in this instance abolishes the inspector; and the learned gentlemen think they have got a considerable advantage over us when they get out of an opium contractor, when they get out of an opium merchant, this evidence—that the inspector was to the merchant a considerable inconvenience, that he was a considerable impediment in the prosecution of his trade. I do not think it would weigh very much with your Lordships if, in any great distillery, you were to learn that the inspection of the excise was a great control and inconvenience, which it would be for the comfort, the convenience and the profit, of the distiller to remove from him.

Commissions to different persons as compensation.

Among other things, of the smaller jobs in this transaction, the opium was removed from the sale of the Board of Trade, to whom it had been consigned by the orders of the Company. There were numberless other little commissions and little jobs to different officers, who, by all the different

irregular parts of this transaction, had lost parts of their profits, and which were obliged to be compensated to them by Mr. Hastings. I will not enter into the detail of that, but come to what we charge to be the great and substantial crime in this Article—the extravagance of the terms, and the circumstances of the time and person to whom they were given.

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Extravagant terms of the contract.

My Lords, you have it in evidence that for this contract Mr. Sullivan received 350,000 sicca rupees, or 40,600*l.* sterling. You have it in evidence that Mr. Benn sold the contract to Mr. Young; for which he received four annual payments of 149,000 sicca rupees, which Mr. Benn translated into exactly 60,000*l.*, but which, if calculated upon the same principle with the other, I believe will be found to amount to 69,136*l.* Besides that, Mr. Benn got 7,000*l.* upon one branch of the transaction which he did not sell to Mr. Young. So that, upon the whole, the loss to the Company was 76,000*l.* And it is apparent that these are all complete and indisputable losses; because, had Mr. Hastings obeyed the orders of the Directors, Mr. Young would, undoubtedly, have given as much money to the Government, in an honest, fair, public and open, transaction, as he would have given to the contractor in a transaction which it was the interest of all to keep secret and concealed, and for which he had infinitely less security than he would have had if he had taken it from Government.

Total loss to the Company.

Successive sales of the contract.

My Lords, there is one striking fact in this part of the case, which it will not become me to overlook, and which I trust your Lordships will advert to, namely, that this contract was sold by Mr. Sullivan to Mr. Benn, and by Mr. Benn to Mr. Young, previous to the possession of it by Mr. Sullivan—previous to the legal possession of it. The promise of Mr. Hastings had, certainly, gone before either Mr. Sullivan's idea of selling, or any rational conception in either of the others to purchase. But this contract had this evident mark of favour and corruption in it, that it was promised in such a manner from Mr. Hastings to Mr. Sullivan as that it could be the object of two sales, previous to the commencement of the contract and to the time of signing it.

Period of the loss incurred concurrent with the exactions from Cheyt Sing.

My Lords, I have shown you that upon this contract there was a loss of 76,000*l.* to the Company. Perhaps it may not be amiss to advert to the time when this loss was incurred. Your Lordships will recollect that this loss was incurred some time early in the year 1781; that, if the

30 MAY 1791. advertisement had been published, it would have been so published that the contract should commence on the 1st of September, 1781; therefore, in 1781, 76,000*l.* was sacrificed by Mr. Hastings in order to do Mr. Sullivan a favour —in order to create a job for Mr. Sullivan. In the year 1781, Mr. Hastings thought it worth his while to make a progress to Benares, to punish the Raja of that province for having been dilatory in his payment of an extorted subsidy of 50,000*l.* My Lords, you have it in evidence that, at the moment the necessities of the Company were so urgent that they could not wait a month or two for the payment of an unjust demand from a prince whom they were oppressing, Mr. Hastings still thought the Company's treasury was so well supplied as to enable him to sacrifice 76,000*l.* of their money, in order to make the fortune of a friend and favourite.

Improbability of execution of the contract by Mr. Sullivan.

My Lords, much examination has been had upon whether Mr. Hastings was privy to these sales or not. I know not, and, I will add, I care not much, whether he was or not; but of this I am sure, that he could not have entertained an opinion that Mr. Sullivan was likely to execute the contract, first, because Mr. Sullivan was not long from England; he had been, till within a very short part of the time, secretary to Madras, which office he had then, I believe, hardly resigned; I rather believe he had not resigned it at all. He was at that time Judge Advocate of Bengal. Not only that, but, about the same time, Mr. Hastings demanded his aid as his assistant in the cares and toils of his empire. At that time he had told the Council that he could not alone manage the multiplicity of his business, and, therefore, he took Mr. Sullivan to assist him. Mr. Sullivan, almost at the time of the commencement of the contract, and in the very first stages of its performance, was with Mr. Hastings at Benares. I do not dwell upon the skill, I do not dwell upon the industry, I do not dwell upon the previous investigation that is necessary for understanding this manufacture; but it was impossible, from the circumstance of Mr. Sullivan's being within that [province], Mr. Hastings could have thought that he was likely to execute the contract.

Motive for the grant to Mr. Sullivan.

Relationship to the Chairman of the Company.

Now, having stated this to your Lordships, it may become us a little to consider who Mr. Sullivan was, and what was the motive for the appointment. Mr. Sullivan was son to the person who was, at that time, Chairman of the East India Company. The Chairman of the East India Company, and the court of Directors, in those days, were to Mr.

Hastings as everything. It was from them that he was to fear censure or punishment. It was to them that he was to owe his continuance in his situation. It was to their protection that he was to look for the enjoyment of his office, and for all the honest and dishonest profits that he might make by it. It was to them that his ambition was to look for its gratification. It was to them that his avarice was to look for the means of securing its prey. It was to them he was to look for support; and they were almost the only persons in this country to whom he could think it necessary ever essentially to show his gratitude. And we know that Mr. Hastings' power in that body was once strong enough to defy the order and the opinion of the House of Commons.* 30 May 1791.

My Lords, it is a melancholy consideration for us to look back to those times, and see the first officer of the Company at home and the first officer of the Company abroad corruptly colluding for their own private benefit, by a joint and common sacrifice of those interests of the Company which it was the duty of both to have protected and watched over; to see one betray the trust of inspecting and controlling the conduct of the other, and Mr. Hastings rewarding him for that treachery by giving him a participation in that spoil which Mr. Hastings was at that time exacting for himself.

Collusion of Mr. Hastings and Mr. Sullivan.

My Lords, we may perhaps think it was extraordinary that Mr. Hastings was not satisfied with all the offices and all the benefits which he, about that time, had been heaping upon Mr. Sullivan, in India; but, when we consider the temper of mind and disposition in which Hastings seems to have been, at that moment—when we recollect that, about the time of this grant, Mr. Hastings was indulging that wild and frantic dream of empire, at Benares, where he treats the kings of India as tributary vassals, and talks of himself as an emperor over them, we shall not be much surprised, perhaps, that, considering who Mr. Sullivan was and how educated, Mr. Hastings might wish to count him as a friend; might fear him as a rival and look forward to him as a successor; that, under any or all of these views, he should have been disposed, as it were, to invest him with the purple, and to associate him with himself on the throne; and that, in so doing, it was natural and just enough that he should give him some share of the plunder of these devoted provinces which he was assisting to govern; and, when Mr. Hastings

Mr. Hastings' motives for desiring the friendship of Mr. Sullivan.

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* See the Introduction to the present publication; p. xxxiii.

30 May 1791. took for himself four lacs, 40,000*l.*, from the land revenue of the province of Behar, through the hands of Kelleram, that he should be disposed to give to his associate, for the establishment of the young Cæsar, at least, the produce of the most lucrative article of manufacture and commerce in the province, and that Mr. Sullivan's share should be 40,000*l.*, the same amount with that which Mr. Hastings expected for himself.

Contract for exporting opium to China.

My Lords, it is perhaps a little difficult to descend at once from the throne to the counting-house; but it is essentially necessary that I should state to your Lordships, in a few words, the inconvenience and loss that were the consequence of the next contract, namely, the smuggling adventure. Mr. Hastings, at the time of granting this contract, states himself that there was no market for opium in Calcutta; that the sales had been heavy and the opium was on hand. And, with the knowledge that he had no sale to expect, he pledged the Company, at an extravagant rate, to purchase it for four years. So much for his economy! But, after falsely pretending that there was no sale—for we have shown that there was a considerable sale, and we could have shown, by a long reference to books, which for your Lordships' sakes we have avoided, the amount and profit of these sales—Mr. Hastings engaged in an adventure, on the Company's account, to smuggle opium into China. The loss upon that transaction, upon the invoice price, as was stated at your Lordships' bar, the price which Mr. Hastings himself set upon it—and so far that estimated value is good against him—was this: the invoice price amounted to 144,000*l.*, and the actual produce in China was but 38,000*l.*; the difference, therefore, was 116,000*l.*; that was the loss, upon Mr. Hastings' showing. If you take the prime cost of the opium, and add to that the freight and charges, and compare that with the produce at Canton, the loss would only appear to be 52,000*l.* But, in that view of it, taking the opium at the prime cost, Mr. Hastings has in that instance sacrificed what it has been the boast of his life to create as an article of revenue, namely, the difference between the prime cost of the opium and the profit he made by selling it at Calcutta. The loss in one view is 116,000*l.*; in the other, in the best way that they can state it for themselves, the loss is 52,000*l.*

Loss on the transaction.

Answer to the plea of loss of ships.

The Counsel have gone into an examination—and, I will venture to say, a very idle examination—to endeavour to show what the profit would have been if all the ships had

arrived. Is insurance no part of the expense of a merchant, and the loss, by sea or by an enemy, no part of his risk? And if he insures himself, should not he abide by the consequence of it? But the difference is not there. According to the old and usual mode of doing the business, the opium was sold to and paid for by the merchants at Calcutta. If they had sold it to a private merchant, they would have been paid for it at Calcutta, and the risk would have been run, or the insurance would have been paid by the merchant. Therefore I have a right to compare what they did receive, according to their own absurd, new-invented, scheme, with the price which they would have received from the merchant at Calcutta, had they sold it in the usual and established mode. 30 May 1791.

But, my Lords, it is not only for the purpose of showing your Lordships that this was an improvident and an ill-concerted scheme that I state it; but as a scheme calculated and contrived, not merely as a mercantile adventure or a project in the way of trade, but an invention for remitting the fortunes of the servants of the India Company. It was a scheme to contrive a mode of remittance of their ill-acquired wealth to Europe, which they could do in scarce any other manner. And therefore it is, that you see Mr. Hastings writing from Benares, to desire that certain persons, then with him, might have a share in the loan; which loan was, as we have seen in other instances, opened much more for the purpose of their remitting their fortunes than for the purpose of any supply to the Company: and you find all those persons that were with Mr. Hastings—those who were dividing the spoil of Bidjey Gurh, were by these means enabled to find a channel for the remittance of that plunder, which they had gotten against law and even against Mr. Hastings, to this country. That was one of the reasons of this transaction. And it is singular to observe that one cannot trace any one single instance of trade, any project, or any adventure in the management of the concerns of the Company, as far as went to the management of their money, that was not tinctured with private favour, and some motive and principle of corruption. Even in the conduct of this smuggling business, a great deal of loss arose from the private jobs and the private confidence that was put in some of the persons who conducted it, who sacrificed the interest of the Company to their own, and made their fortune while the Company were losing. I do not mean to trouble your Lordships any more upon this

Motive for the transaction to find means for effecting remittances to Europe by servants of the Company.

30 May 1791. part of the case. I shall now proceed to state the subject of the bullock contract.

The bullock contract granted for three years in 1777. Second contract in 1779.

It appears in evidence that the contract of 1777 was granted by Mr. Hastings, against the orders of the Company, for three years. Before one year and a half of it was expired, the contract in 1779, which we charge as a crime, took place. But, before I proceed to the comparison of these two contracts, which I should think the just and the proper way of stating the expense and the loss, I will take the liberty of putting your Lordships in mind of Mr. Hastings' own account of the first, where, after stating in the revenue consultations certain losses by pressing bullocks, he goes on thus—

Mr. Hastings' account of it.

"To remedy these inconveniences—to fix the contract upon such fair and equitable terms as should insure a strict performance of the public service, and afford to the contractor the prospect of a reasonable profit for his trouble and risk—I joined in giving the bullock contract to Mr. Johnson in 1777." *

We have here Mr. Hastings' own showing that the contract, in 1777, secured the public service and a reasonable profit to the contractor; and this, when both the contracts were charged upon him as crimes, when he was aware of the extent of the accusation at the bar of the House of Commons. Then I have only to desire your Lordships to advert to the two contracts, and compare the rates.

The first contract dissolved by Mr. Hastings, and offered again on new terms.

This contract would have continued for a year and a half longer. On the suggestion of Mr. Hastings the Government proposed to dissolve it; and they offered it to the same contractor upon the new terms. The difference in the actual expense of that your Lordships have upon your Minutes; but it is necessary, at the same time, to state what Sir Eyre Coote proposed in Council, on the 5th of July, 1779;—for what reason you will learn immediately. Between his proposal and the resolution of the Council to adopt the proposal, Sir Eyre Coote gave in to the same Council a minute, proposing that the army should be reduced to three brigades, and that for each of these three brigades 1,350 bullocks would be sufficient—making in all 4,074. Mr. Hastings, with this opinion of the Commander-in-Chief before him —the Commander-in-Chief, I confess, concurring with

Sir Eyre Coote's estimate of number of bullocks required.

* Extract from Mr. Hastings' Defence at the Bar of the House of Commons; Ed, Debrett, p. 126.

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Mr. Hastings—did enter into a contract for 6,700 bullocks. Had the contract for 1777 been suffered to continue in force, and had the number Sir Eyre Coote thought necessary for the whole army been provided upon the terms of that contract, from the 1st of September, 1779, to the 1st of March, 1784, as long as the old contract continued in force, for the whole term of the old contract the expense would have been 97,000*l.*; whereas, under the new contract, the expense for providing bullocks in that time was 340,000*l.*

Loss on the new contract.

Now there is another way of stating this. If Mr. Hastings had even thought the whole amount of the 6,700 [bullocks], contracted for in the new contract, necessary, the difference which he created in the alteration of the rates alone would have amounted to 44,000*l.* a year. The difference as it actually was, by providing for an unnecessary number, and that at an extravagant rate, amounts to 60,000*l.* a year.

Pretended provisions in the contract for advantage to the Company.

The Council, in examining this matter, have stated that there are many new provisions pregnant with care and circumspection for the Company. In order to judge of the qualities and character of the father, I should like a little to look at the nature of the offspring. These new provisions, if I recollect them correctly, were, in the first place, an allowance to Mr. Croftes of 600*l.* a year, I believe, for providing carriages, for training, and a great many other allowances to the contractor—all of benefit to the contractor, little or nothing of regulation for the benefit of the Company. And, independent of that, Mr. Johnson's contract was liable to have any number of bullocks reduced, upon one month's notice from the commanding officer. In the contract of Mr. Croftes, the Company could not reduce one bullock within less than two years; and, in order to dismiss at the end of two years, they must have given six months' previous notice. Your Lordships may judge whether this is for the benefit of the Company or the benefit of the contractor. But, independent of that, Mr. Hastings, not content with having secured to the contractor the benefit of this contract for the certain term of five years, knowing too that there was a prospect of a considerable reduction being ordered by the Company—for he must have known that the Directors would order a reduction of that number which, upon their own minutes, Sir Eyre Coote had judged to be unnecessary, and which afterwards did happen—Mr. Hastings

No power of reducing number of bullocks contracted for within two years.

Compensation secured to contractor for loss in reduction of number.

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The Company to furnish three fourths of the capital.

set about to judge how the Company should pay that. He states the capital in the contract at 2,50,000 rupees. The Company were to furnish three fourths of that capital; so that here, upon the showing of Mr. Hastings, there was an additional profit to the contractor, above what, in 1777, he himself thought reasonable, of 44,000*l.* a year; the sum of 7,250*l.* being the only capital the contractor engaged in the business. But he says, in order to indemnify him in case of a reduction, when the contractor of course will have his bullocks to sell, he proposes he shall have half the prime cost paid him; and then, he says, he would have made a profit of this contract if it continued five years, and he would have allowed him a compensation for that contract. Now what is it he gives? He gives a hundred *per cent.* He gives him a sum equal to the whole capital, as an annual allowance for turning his capital and dismissing him from that part of the contract. But, had these 2,600 [bullocks] been dismissed at the end of two years, as Mr. Hastings had reason to expect, the contractor would have been intitled to receive, beside the return of all his capital stock, a payment of a hundred *per cent.* upon all his own capital engaged in it three times told. Mr. Hastings states this to be an intricate and perplexed mode of account, so he varies it, and allows thirteen sicca rupees *per annum*, of the time to run, for every bullock so discharged; and the alteration is only made in order to give some additional benefit to the contractor, above the indemnity of his own capital of three hundred *per cent.*

Indemnification for loss by reduction.

Date of the contract.

My Lords, it may not be immaterial to consider the date and circumstance of this contract, as I have had occasion to do in the one upon which I spoke to you a few moments ago. The date of this contract was in September, 1779. It was proposed in Council the July preceding. Sir Eyre Coote proposed this, and stated the draught of the contract to have occupied the attention of the Governor, and to have been prepared by him before Sir Eyre Coote's arrival, which was in March. On the 12th of April, 1779, he demanded an illegal allowance from the Board, and got three times what he demanded; and, in July, he proposes this contract, stating it to have been prepared by the Governor before Sir Eyre Coote's arrival, that is, before March.

Date of subsidy from Cheyt Sing.

It is material to observe that, in the year preceding this contract, namely, upon the 15th of July, 1778, Mr. Hastings made the first demand of the subsidy from Cheyt Sing—

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a subsidy of five lacs of rupees, or, according to the best calculation of that species of rupee, 55,500*l.* sterling—and that this was not ultimately realised till late in October, 1778. In October, 1778, he realised this money, and was secure of a fund. In the July following, having previously and in the intermediate time prepared the draught of this contract, he proposed to the old contractor to abandon his old engagement and accept a new one; by which new contract a loss of 60,000*l.* was created to the Company.

The subsidy exceeded by the loss on the contract.

The subsidy exacted from Cheyt Sing—against all treaty—against all law—against all engagements of public faith and private honour—that subsidy, amounting to 55,000*l.*, was at once absorbed and swallowed up in this extravagant contract: or, if you were even to suppose that number of bullocks necessary, that subsidy would have been nearly swallowed up by the 46,000*l.* increased upon the rates—only allowing 6,700*l.* to have been necessary—which was given by Mr. Hastings, above what he thought a year and a half before, and has declared since he came home, to have been a reasonable compensation and profit to the contractor. And how was the subsidy justified? Your Lordships will recollect that it was the urgent poverty and distress of the Company, an exhausted treasury, a depreciated credit, a foreign war; all these were his pretended motives, while we find his real motive to have been to establish a fund which he could give—not divided among many, but united, whole, entire and complete—into the pocket of Mr. Croftes.

Justification of the subsidy by distress of the Company.

Personal motives.

My Lords, when I see a Governor General breaking the public treaties which he has himself given his sanction to—when I see him not keeping even the conditions of a bribe which he has received at that time—when I see him doing this for the purpose of granting all that he can get by extortion into the pocket of one favourite individual, I am apt to think, and I believe your Lordships will be apt to think, he did not do so without something more of personal interest than necessarily appears upon the face of the transaction.

But your Lordships are to consider, in listening to Mr. Hastings' defence, what created the necessity and how the necessity was supplied. You see him extorting unjust subsidies from the tributary princes of the country, in order to create extravagant, corrupt and enormous, allowances to the servants of the Company; which whether he participated in or not, we cannot tell; but, whether he did or not, his neglect

30 May 1791. of the interests of the Company and his own corrupt conduct and mismanagement of their treasury is equally apparent.

Reduction of the contract ordered by the Directors.

The orders of the Company came for reducing this contract to the number Sir Eyre Coote thought necessary. That was disobeyed, and the whole number remained for three [years] and eight months. They were then reduced, and the number reduced continued so for ten months longer; the total expense of which has been already stated to your Lordships at 340,000*l.*, from which, if we deduct what the expense ought to have been for the number judged necessary by Sir Eyre Coote, it would have left a balance of 243,000*l.* entire loss to the Company.

Term for notice of termination of contract suffered to elapse.

This contract left an option to Mr. Croftes, that it was to continue six years unless notice was given that it was to expire at the time contracted for, namely, at the end of five years. Mr. Hastings accidentally, as he tells us, suffered that term to elapse, having not long before reduced the number of bullocks, so that his attention was, necessarily, called to the subject. He suffered that period to elapse, which had scarcely gone by before he thought it necessary to repurchase that advantage which by his negligence the contractor had gained—to purchase a relinquishment of his contract. That bargain was concluded. The contractor got 6,000*l.* for relinquishing the advantage he had then got, and, besides that, was paid a very extravagant price for his stock; and this contract was converted into an agency for the benefit of another favourite individual. Upon that agency seventeen and a half *per cent.* was given, as a profit to the agent.

Purchase of the relinquishment of the contract.

Agency established.

Upon an examination of the whole of that transaction, though I am unwilling, having trespassed so much upon your Lordships' time, to go much at length into it, you will find the allowance intolerably extravagant, and the expense in the agency nearly equal to what had been the expense of the contract. As a pure loss I take only 10,900*l.*, being the difference between the price which they paid the contractor for his stock, at that time, and that at which they afterwards sold the same stock to another contractor, when their interest or their favour led them to adopt another mode of carrying on the same principle and object of corruption. The total loss upon this article of the bullocks, in that view of it, amounts to 261,000*l.*

Loss on the contractor's stock.

Total loss on the bullock contract.

Opinion of Mr. Hastings against

It has been suggested to me that I had almost forgot to put your Lordships in mind that, since Mr. Hastings re-

turned to Europe, he has been of opinion that the mode of conducting the army business by contract is the most ruinous, the most extravagant, the most destructive of the Company's interest, that could possibly be adopted. My Lords, when he has no longer an opportunity of distributing the patronage, he is very generous in his advice to those who may benefit by it. But the same contradiction, the same objections to the mode of conducting by agency, he has often stated. He has stated, justly and truly, that giving an agent a large commission upon his expenses is creating in him an interest directly hostile to that of his employers, and encouraging him to raise the amount of his expense that he may thereby raise the value of his own allowance. 30 May 1791. army contracts.

My Lords, I come now to another branch of this Article totally separate and distinct;—and it is with a considerable degree of pain and regret that I feel myself addressing your Lordships upon this head. I am now to state to your Lordships that, when General Clavering went to India, the allowance was fixed by the court of Directors, under an Act of Parliament, at 6,000*l.* a year the salary, added to 10,000*l.* a year the allowance as Councillor; that this was given, specially, in lieu of all travelling charges and expenses whatever. General Clavering, whose memory in this transaction we can never mention but to honour and to admire—General Clavering, with that rigid virtue which distinguished him, adhered to that allowance of the Company. He was contented with the salary—ample it was indeed—that the law and his masters allowed him. Sir Eyre Coote landed some day on March 1779; and, very soon after he had taken his seat at the Board, he proposed, in a minute which your Lordships have had before you, that certain large allowances,—five and a half *per cent.* share of commission on the revenue, and other large allowances, should devolve upon himself. The Council meeting that proposal with the reprobation which was due to it, and showing him the orders of the Directors, which he brought out in his hand, that he should have the same allowances with General Clavering and none other, Mr. Hastings said, "No! that allowance you cannot have. That is diverted into another channel; another man has that extraordinary indulgence; another man has that corrupt allowance. We will do otherwise for you." Allowance of Commander-in-hief fixed in the case of Gen. Clavering. Increased allowances in favour of Sir Eyre Coote.

Mr. Hastings then proposes an establishment for Sir Eyre Coote, which I will not trouble your Lordships with Proposal of Mr. Hastings to allow

30 May 1791. hearing a detail of, under pretence of servants, boats, budgerows, camels, carriages and elephants, and such like, as a provision for his field equipage and travelling expenses. When Sir Eyre Coote asks an allowance of about 8,000*l.* a year, Mr. Hastings proposes for him an allowance of 15,554 sicca rupees per month, a sum that, I am pretty confident, amounts to something between 20,000*l.* and 21,000*l.* sterling, a year. He proposes that, to be an additional establishment to the 16,000*l.* a year allowed by the Company.

him 2,000*l.* additional.

Sir Eyre Coote's subsequent support of the bullock contract.

It is after that establishment is created for him that Sir Eyre Coote is ready to bring forward Mr. Hastings' corrupt transaction of the bullock contract. It is after Mr. Hastings has purchased his support and bought his vote at the Council board that he is, then, ready to adopt any plan which the Governor General has prepared for him. It is necessary that we should keep these things a little together in our minds, because they will show that one corruption always induced another; that one extravagant expenditure always made it necessary to follow it with some other, in order to keep some other person quiet, that every one might have some share in the plunder, in order to repress either resistance to his government, or complaints at home, or all the inconveniences of detection and discovery.

System of corruption.

The allowance charged on the Wazir.

Mr. Hastings proposes this establishment to Sir Eyre Coote, and it so continues from April to November, 1779. Then Mr. Hastings, finding this a heavy charge upon the treasury—finding the supply of this extra allowance an awkward thing to account for to the court of Directors, and an inconvenient thing to provide for to himself—he then proposes that Sir Eyre Coote shall go upon an expedition to the different posts of the army. And, the moment he quits the home provinces, this subsidy is, at once, charged upon the Wazir.

The charge beyond the amount allowed in the treaty.

Your Lordships have seen the article of the treaty, in evidence, which specifies the expenses that were to be charged upon the Wazir. You will see by that article that this charge was above those specified; that it was a breach of Mr. Hastings' private faith with the Nawab as a man, as well as his public engagement by treaty as a Governor.

Pretence of the Nawab's assent to the charge.

This was charged upon the Nawab, Mr. Hastings has told us, with the Nawab's assent. How far it was with the Nawab's assent, your Lordships will be enabled to judge from reading that letter which we have given in evidence; wherein,

Mr. Hastings, on the 20th of November, at Calcutta, having ordered this to be charged on the Nawab, on the 19th of November, the Nawab writes from Oude, setting forth— 30 May 1791.

His complaint of distress.

"That the expence occasioned by the troops in brigade and others commanded by European officers has much distressed the support of my household, insomuch that the allowance made to the seraglio and children of the deceased Nabob has been reduced to one fourth part of what it was, upon which they have subsisted [in a very distressed manner for these two years past. The attendants, writers, servants, &c. of my court have received no pay for these two years; and there is at present no part of the country that can be allotted to the payment of my father's private creditors, whose applications are daily pressing upon me. All these difficulties I have for these three years] struggled through, and find this consolation therein, that it was complying with the pleasure of the Honorable Company; and, in the hope that the Supreme Council would make enquiry from impartial persons into my distressed situation, I am now forced to a representation." *

This letter, stating his distress, regretting that they have not inquired into [his situation], stating the distress arising from the pleasure of the Governor and their taxes upon him —this letter he writes the day before Mr. Hastings affixes an additional demand of 20,000*l.* a year upon him—by his assent! Is it possible that that can be a plea urged before your Lordships? Is it possible that you can believe, with all the picture of the distress of the Nawab's family which you have before you in other evidence, with this striking and strong representation of his own misery which I have this moment read to you—can you believe that it was with his voluntary assent that Mr. Hastings charged upon him this additional subsidy for the commander-in-chief?

Continuance of the charge after the withdrawal of Sir Eyre Coote from Oude.

My Lords, this additional subsidy for the commander-in-chief not only continued while the pretext for it continued, namely, Sir Eyre Coote's residence in Oude, but it was protracted from that time till his death; and continued after he had returned across the Kurumnasa into the provinces. Not only that, but, while he was serving and engaged in the command of an army on the coast of Coromandel—through all—this extorted, unjust and illegal, allowance continued to be charged to the Wazir's account. The proof we have of it is, that, when Mr. Hastings had it imputed to him in the House of Commons that this so continued to be charged by his authority, he first doubted; he then has a faint recollection; and, when he looks at the letter which Mr. Croftes

Authority for making the demand given by Mr. Hastings to Mr. Croftes.

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* Printed in the "Minutes of the Evidence," p. 496.

30 MAY 1791. wrote, saying he wrote by his command, he says—"I have no doubt that I gave Mr. Croftes authority to write."

My Lords, if Mr. Hastings, reading Mr. Croftes letter, knowing the use that was to be made of it, because that use was charged against him—if Mr. Hastings, with his eyes open, and seeing this set forth as the evidence of his authority to extort this money from the Wazir, will tell us—"I have no doubt of giving Mr. Croftes authority to write," shall we doubt that he gave Mr. Croftes authority to write? Shall we doubt, when he goes on to justify, in the residue of his Defence, this abominable transaction, in a manner which, I am sure, your Lordships will read with pain, and to which I am unwilling to advert? We cannot entertain, upon Mr. Hastings' own confession, the smallest doubt of this transaction. And it carries with it one other pregnant fact, which your Lordships will observe, namely, how much Mr. Croftes was in the confidence of Sir Eyre Coote and Mr. Hastings. It carries with it that Mr. Hastings here avows his authority to Mr. Croftes—his authority, in a transaction which he knew to be criminal—a transaction which he knew to involve a breach of public faith—a transaction which he knew to involve in it injustice and extortion. If Mr. Croftes was his confidant in such a corrupt transaction, look back to what Mr. Croftes was,—the bullock contractor also. Mr. Croftes, upon Mr. Hastings' own showing, had 46,000*l.* a year, clear profit, whilst the Company lost 60,000*l.* If Mr. Croftes was confided in by Mr. Hastings to order this extorted subsidy from the Wazir, and for Sir Eyre Coote to receive it, can we have any doubt of a corrupt connivance and collusion between those three persons, in all those other transactions to which they were privy and were necessary parties?

Mr. Croftes in the confidence of Mr. Hastings and Sir Eyre Coote.

Corrupt collusion.

Does it not induce a suspicion that Mr. Hastings had, himself, some hidden benefit or some secret advantage from the enormous and unexampled allowances I have stated to your Lordships on the bullock contract? It does give us, at least, a strong ground of suspicion and presumption against Mr. Hastings, which, except he can meet and destroy it, must naturally and necessarily weigh upon your Lordships' minds in your judgment.

Presumption of secret advantages to Mr. Hastings from the allowances.

I ought to observe to your Lordships that everything that was extorted from the Wazir of Oude was, as it were, lost to the Company; for the consequence of that was continual arrear to the troops, continual arrear in the payment of the

Injury to the Company from extortions from the Wazir.

subsidy to the Company. It was a country, in fact, governed by Mr. Hastings, under the name and under the pretence of the Wazir's authority. 30 May 1791.

Amount received by Sir Eyre Coote.

The amount of this allowance to Sir Eyre Coote—taking it at the rate I have stated, of 1,800*l.* a month—was 12,628*l.* during the time it was charged upon the Company, and 70,000*l.* during the time it was charged upon the Wazir.

Corruption infused into the whole service from these transactions.

I must take the liberty, before I proceed to the next article, to desire your Lordships to examine the nature of this transaction; to look how big with fatal consequences to the government and to the interests of the Company; to look at the nature and extent of this corruption. When we see the Council itself infected in this manner—when we see the Governor General bribing the Commander in Chief to support his ambitious or his avaricious schemes—when we see the mischief seated in the Council itself and originating there—can we wonder that the poison is diffused through the whole system? Can we wonder that the whole mass should be corrupted? Can we wonder that every vital principle of true government should perish and be dissolved? Your Lordships will see that this example was breaking down all the barriers of public virtue; it was confounding ranks and distinctions. The necessary consequence of it was, to destroy all subordination and all authority; because, with such an example before them, who was there in the settlement that would not prey, according to his means and his power, upon those things that were next to him? Who was there that would be restrained by fear of punishment, shame, or anything but his own conscience and his own innate virtue?—slender securities, my Lords, when they stand by themselves, and when every support to them is taken away and removed. Who is there that would scruple to have either defrauded the Company or extorted from their subjects? Nor is this speculation only, though it would be a just speculation, and though it would be a consequence as necessary from this cause as any that we can state. We have the effect to make it good.

Recrimination of servants of the Company charged with corruption.

Whenever any servant is accused of peculation—when any corruption is imputed to him—what do we see? We do not see humiliation and punishment; we do not see submission to authority and promise of amendment; we do not see any example either to repress the corruption of the individual or to reform others by his punishment; but we see another charge against the Governor. We see charge

30 May 1791. and recrimination, defence meet defence:—"If I took money in such a way, how did you get your's?" We have been able to bring this impeachment to this issue from the recrimination of corrupt servants against a corrupt governor. It is from thence we have sought out that evidence which supports the material parts of our charge. It is from the quarrels and disputes of those who were, all alike, equally criminal, who were involved in one common guilt and [corruption], common participators in the plunder of the Company, that we have been able to get at some of them; and, particularly, from the recrimination and the charges brought by some of the servants against Mr. Hastings, that we have been able to get at the great leader himself.

Mr. Hastings' system represented in the transaction of Sir Eyre Coote.

My Lords, this transaction of Sir Eyre Coote, and the charge upon the Wazir, forms a sort of miniature picture of the whole life and government of Mr. Hastings. We see it originate in his disobedience, and proceed to extravagant corruption at the expense of the Company; we then see a total disregard of all engagements with tributary and dependent princes. Then, to relieve the necessities of the Company, which his extravagance had created, we see a sum extorted from the Wazir; and, to crown all, we see Mr. Hastings, at the end of the transaction, accusing Sir Eyre Coote, who was the cause of this corruption, and the necessary cause of it, who is dead and gone, and is not here to answer and recriminate. It is assembling together all the crimes in miniature which at large are diffused through the whole history of Mr. Hastings' life and government in India.

Assertion of Mr. Hastings that he ordered the discontinuance of the allowances.

My Lords, I have omitted to state this one observation, which is material. Having received the orders of the court of Directors condemning this transaction, he says he ordered these allowances to be discontinued. To whom did he order it? He sent the order to the military Commissary General, who he knew for years before had discontinued to pay. He sent no order to the Wazir; for this letter of Mr. Crofts' is dated subsequent to these orders to the military Commissary General.

It is trifling with his masters, it is insulting your Lordships, to urge this as a defence—to say—"I sent an order to discontinue the payment to a man who I knew was not in the actual payment, and who had ceased to pay for a long time before"—and to send back this to the court of Directors as some sort of execution of their order. I do

not say that the court of Directors were not very often easily satisfied with a false and illusive execution of their just and necessary orders; but their corruption through the means of Indian influence is no justification of the servant who corrupted them. 30 May 1791.

Corrupt agencies.

My Lords, I now come to the third and great head of this Article, namely, to the corrupt and expensive agencies. I hope I shall not alarm your Lordships by saying—"a third great head of this Article;" for, I flatter myself, I shall be able to be much shorter upon this than upon the others. It appears from the evidence that, in consequence of the distress from want of provisions on the coast, Mr. Auriol made an application to the Board upon the 7th of December, 1780, to offer to supply rice and other provisions upon a contract. The terms of that contract are stated in his proposal, in the evidence before you. That offer was rejected, at the same time that his proposal to do the same thing by the mode of agency was accepted and adopted.

Mr. Auriol's offer, to supply provisions on contract, rejected.

Mr. Hastings appointed him agent, with a commission of fifteen *per cent.* Mr. Auriol was secretary to the Council Board at that time. I mention this, only, that your Lordships may know exactly the character and the situation of the person on whom the favour was conferred. Mr. Auriol proceeds in the execution of this commission; and is first met and stopped, in some degree, by a representation from Bombay that the extravagant price at which the rice was delivered to them was such as charged them with a debt both intolerable and unnecessary. And, if you compare the price which that letter from Bombay states either with the contract which Mr. Auriol proposed and which the Council rejected, or with the contract which they afterwards adopted upon the dissolution of Mr. Auriol's agency, and which contract, as the learned gentlemen said, did not differ very materially from Mr. Auriol's, you will find that the loss, even in that view of it, was infinite and extravagant. But Mr. Hastings was not contented with appointing Mr. Auriol agent in the provinces that wanted rice, but he appointed him agent for every other Presidency, and all the other provinces included in them; that by so including them his benefit might be augmented.

His appointment as agent.

His position as Secretary to the Council.

Complaint of the price of the rice supplied to Bombay.

I have called to your Lordships' bar a gentleman whose situation in India led him to be perfectly conversant with this subject, whose extensive dealings in commerce, and whose character and reputation in those dealings, will intitle

Extravagant commission allowed to Mr. Auriol.

30 May 1791. him to your Lordships' highest respect and fullest credit. I have called this gentleman, to show your Lordships what was the usual rate of mercantile commission. He has stated that to be five *per cent.* upon all purchases. Mr. Auriol's commission was not only charged upon the purchase of the commodity, but it was charged upon the freight; it was charged upon the transportation to the ship; it was charged upon all the possible expenses of package and servants, and on everything which the ingenuity of man could devise, to swell the amount of the price upon which Mr. Auriol was intitled to charge fifteen *per cent.* I do not dwell now upon the improvidence of conducting a great public transaction of this sort by a commission, but, if it had been a commission for the purchase, the price of the grain would, in some sort, have spoken for itself; but, when it was a commission upon all incidental charges which might arise or be created out of it, your Lordships will feel how much it put it in the agent's power to increase the expense of the Company for his own benefit.

Mr. Brodie told your Lordships that the five *per cent.* was charged on purchases only. Therefore I assume that all the commission which was charged upon freight—upon expenses—was an unnecessary and extravagant charge. I add to that, that all that was allowed to Mr. Auriol, above five *per cent.* upon the purchases, was likewise an extravagant and unnecessary charge.

Loss to the Company by the agency. I will state to your Lordships what I conceive to be the loss of the Company upon this transaction. In the first instance, the overpayment to Mr. Auriol is in its amount 34,396*l.*; and it is thus made up—of 18,000*l.*, being the commission on freight and charges, and the remainder being the difference between five *per cent.* and fifteen. The evidence upon this subject, in the nature of the transaction, has gone into considerable length, and I have no other title to take merit with your Lordships, in any part of this business, except that I have very much endeavoured to shorten it; that I have not only endeavoured to shorten it in general, but upon this business have been particularly careful so to do. And I need only tell your Lordships that, when we parted last, I had very considerable apprehension, because I knew that the result of these sums I stated was contained in 282 separate invoices, which we have been under the necessity of examining and digesting, in such a manner as to have been able to offer them to your

Difficulty of digesting the evidence.

Lordships, had the Counsel on the other side persevered in that objection which they took on Friday for the purpose of delay.* 30 MAY 1791.

My Lords, there is one other striking and singular circumstance in this agency which marks it out more particularly for your Lordships' attention, which is, that it introduces a new system and principle of account. My Lords, the agent upon this subject was to account to the Company, not by producing his vouchers—not by showing what he actually had paid for the purchases, or what charges had incidentally accrued therein—but he was to account to the Company upon honour. How this could creep into the conduct of the accounts of a great mercantile company I know not. I should think it equally absurd in the conduct of the public revenue of a great sovereign. But, for whatever purpose it was introduced, or by whatever means adopted, Mr. Auriol had this singular advantage in the conduct of this business, that he was to account upon honour. My Lords, I hardly know in what manner to state this to you. I hardly know how to state a proposition, in itself at once so absurd and so ridiculous. It could be introduced only for the purpose of fraud and deception. How would one receive a proposal from any man, who was to account either to the public or to an individual, when he was to come to him—"there are my accounts; here are my vouchers; but my privilege is to destroy my vouchers, and you shall have my honour for their substitute,"—any more than you would have received a man who, in proposing to deal with you in any business, should say—"I will do it for you, and charge my commission upon my expenses; but remember, I ask and contract for it, as an advantage, that I shall not give my vouchers of my expenses—not give the proof of my accounts; but you shall have my honour for it as a substitute?" In that case, I fear we should think that his honour there was to be a substitute for his honesty.

Introduction of new principle of account.

The agent to account upon honour.

Introduced for the purpose of fraud.

* The allusion in the speech is explained by the following entry in the "Minutes of the Evidence," under the date of Friday, the 27th of May, 1791, p. 1451 :—"The Managers for the Commons informed the House they should now close the evidence on this Article by again calling Mr. Wright, the Accountant General to the India Company, to give in evidence the totals of the respective losses to the Company upon the several articles of the accounts, as they appear on the books of the Company, under the different subjects included in the Article of charge. The Counsel for the defendant objected that the amount of these losses could not be taken from the inferences of the Accountant General, but must be proved to the House by producing the books themselves containing the respective accounts."

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I speak here, at least, with confidence, for I am speaking before your Lordships, whose breasts I may state to be the pure undefiled sanctuary of honour—and honour on which, with confidence, the public and the people rely, as equal to the most solemn appeal to the God of truth himself. But, my Lords, when I state this to you, I state it to you that you may feel with indignation the prostitution of the term to purposes so base and vile as that to which, in this agency, the term honour has been applied by these gentlemen.

My Lords, applying the term of honour to elude the discovery of truth is in the nature, and necessarily in the nature, of a transaction which we find shrinks from inquiry and avoids investigation: it is in the nature of it that there should be some secret, some hidden, some unjustifiable and some unavowable, benefit. That is in the nature of the transaction; and, if we examine the progress and the operation of it, I think I shall satisfy you that it was in the transaction itself.

Reduction of the agency ordered by the Directors.

My Lords, a little while after this had been granted, the court of Directors order the agency to be reduced. It was reduced, in part, upon the charges; but, after all, they continue in condemning the rate of it. At the end of this transaction we have Mr. Auriol's letter and the recital of that letter to the court of Directors, in which Mr. Hastings has told us, what Mr. Auriol first told him, for that is the better evidence:—he says "The court of Directors have disapproved of the terms of my agency. I am sorry for it; but such is my zeal for the public service, such my regard for the public interest, such my desire to save the province of Madras from famine, that I am ready to continue in the supply of it"—upon what terms? Why, gratuitously!

Offer of Mr. Auriol to execute the agency gratuitously.

Attempted justification of the commission on the plea of risk.

This fifteen *per cent.* these gentlemen maintain to be a just and lawful commission, because the agency was attended with risk. What risk?—risk to the Company, not to the agent. Was the rice lost, damaged or spoiled, who was the sufferer?—the Company. Was any expense occasioned by capture of ships or anything else, it was all expense to the Company, none to the agent.

Charge of interest on advances.

Then they meet us with a charge of interest; they charge interest upon advances. We have the evidence of the Government itself that, whenever Mr. Auriol was in advance, especially after the reduction of the allowances upon the charges, the current interest of Calcutta was allowed to him. We have a letter from Mr. Auriol himself, upon your evi-

dence of Friday, in which he states that he continued to charge, not fifteen, but twenty-five *per cent.* upon all purchases, and five *per cent.* upon freights, after the reduction. I do not know how to account for this; because that evidence, undoubtedly, came out stronger than I expected, and, when I looked for fifteen, I was as much surprised to find the charge of twenty-five as the learned gentleman. 30 May 1791.

Condition of accounting upon honour annexed to the offer of acting gratuitously.

But Mr. Auriol says he will continue to supply the Company gratuitously. But what is the condition that he annexes to his gratuitous offer? He annexes the original condition of accounting upon honour. Now, when I see a man who has been justifying a commission of fifteen *per cent.*—three times the usual commission given to merchants, and charged upon things upon which merchants never thought of charging it—when I see him justifying this as but a proper compensation for his trouble and expense—when I see him, all at once, abandon the commission, and say—"I have made enough of this commission. Do let me continue to supply you gratuitously,"—that he adds a condition to account upon honour; adding too—"or such other obligation as you may choose to impose"—but he knew too well with whom he was dealing to fear any other obligation than that of accounting upon honour;—that he says—"Let me account upon honour, and I will supply you for nothing;"—as well he might; because we know when a man shall destroy his vouchers, and account upon his own assertion, his profit is in his own hands;—then that very circumstance of the offer of gratuitous supply induces a strong suspicion of the justice and truth of his former accounts.

Audit of the account by Mr. Larkins.

The Accountant General himself, Mr. Larkins, of whose name, of whose qualities and whose character, you have had sufficient proof before you—Mr. Larkins seems to ridicule the transaction. He states, in the grave and formal style of irony, when he is passing an audit of this gentleman's accounts—"I have cast up the additions; I have calculated his calculations; I find them right. I have passed the account, because the agent is upon honour." My Lords, one should think that was done almost for the purpose of exposing the transaction, and exciting the condemnation and resentment of the court of Directors.

Aggravation of the extravagance from existence of famine in the province.

I have already stated to your Lordships the loss upon this transaction, and I will only take this opportunity to observe that it is no inconsiderable aggravation of the extravagance upon this article that it was for the supply of a province

30 May 1791. labouring under the pressure of a famine. And, so far from the urgency and wants of Madras being a justification, it is an aggravation, for they wanted not only rice but money; and if, in order to remunerate Mr. Auriol, they exhausted the treasury, it was so much the more aggravated. Instead of that, an established, an open competition, was the best chance for the supply of the market where rice bore an unusual price, and where every private individual might seek for his advantage. On the contrary, they destroy the competition. They create a monopoly for the benefit of Mr. Ariol; that he may purchase cheap in Calcutta for himself, whatever he may be disposed to charge them. Instead of giving a bounty upon importation, when competition may be encouraged and supported, they take a monopoly to themselves, and deprive themselves, in part, of the means of purchasing that rice; and they avail themselves of the melancholy condition of the famine in another settlement, belonging to the same nation, in order thereby to seize it as an happy and a good opportunity to create a great job for the benefit of one of their dependants.

Formation of depôt of provisions in Fort William.

I shall now proceed to the last article. And here, my Lords, I have to state to you that this transaction took place in November, 1776. Mr. Hastings then proposed that there should be a depôt of provisions secured in the garrison of Fort William, to provide against the casual event of a siege or a surprise by an enemy. The chance of that danger, the prospect of that attack, I do not wish to dwell upon, because my authority would, on the subject, be but light; but General Clavering, the Commander-in-Chief of India, who was as much responsible for the safe preservation of the province and the defence of the garrison, though Mr. Hastings had the nominal government—he who, at least, was as much responsible, in his person, in his character as an officer, for the defence of the provinces, judged the thing utterly unnecessary. But Mr. Hastings and the Council, whether more alarmed or more provident than General Clavering I know not, determined on the appointment.

Judged unnecessary by Gen. Clavering.

Appointment of agent for the depôt.

Terms of allowance referred to three merchants.

In the Council, when the terms of the appointment came to be debated, the amount of the allowance was a subject of much discussion; and an accommodation was taken at the Council Board, whereby they agreed to refer the state of the case to three eminent merchants in Calcutta, and take their opinion upon what ought to be the allowance. The agent for this depôt was not only to keep it up, but he was,

in consideration of his allowances, to supply those of the provisions that wasted or corrupted. It was rather more of a contract than an agency, properly speaking. He was to have a certain allowance, to enable him to keep up, at all times, a constant and even supply of good provisions, taking away the bad and substituting good for them at his own expense, in consideration of the allowance. This was stated to three merchants, for their opinion, from the Council. The merchants' answer was, that for wastage, decay, &c., and the change of stores, twelve *per cent.* was sufficient; as commission for his trouble, five *per cent.*—here again, I have another testimony to the fact I advanced in the last article—for servants and expenses, three *per cent.*; making in all twenty *per cent. per annum* to be charged upon the prime cost of the stores in that garrison.

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Their recommendation of 20 *per cent.* commission.

This answer from the merchants, of whom Mr. Croftes was one, who was not likely to be very hostile to Mr. Hastings' friend or very adverse to his wishes—yet even he, in his capacity as a merchant, could not but subscribe to the opinions of the other two—Mr. Hastings no sooner receives, but he proposes thirty *per cent.*, instead of twenty, for the agent. If I was to rest this accusation here, that, having agreed to take the opinion of proper persons, and received in answer that twenty *per cent.* would be a proper allowance, and at which they would undertake it, Mr. Hastings immediately, in the face of that estimate, raises the allowance to thirty *per cent.*, I should say this is evidence, of itself, both of extravagance and corruption.

Thirty *per cent.* recommended by Mr. Hastings.

But, my Lords, I have, independent of that, some few more circumstances to induce your Lordships to agree with me in that. I do not go into the calculation, which General Clavering's minute sets forth, of the other profits he might make in the article; I do not enter into these calculations, because, possibly, they may have been taken into the merchants' estimate. But I will just stop for a moment to entreat your Lordships to read with attention—I need not add, I am sure, with diligence—these minutes in Council, upon these different transactions, upon which I have had the honour to address your Lordships to-day; for in them you will find, not only the best and the ablest arguments—infinitely superior to any that my poor abilities can furnish me with, to offer to your Lordships—but you will find in all the greatest spirit of integrity and obedience to the

Minutes in Council in opposition to Mr. Hastings.

30 May 1791. orders of the Directors—I mean in all these minutes which are in opposition to those corrupt projects of Mr. Hastings. You will find them, not only the ablest specimens of political wisdom, but specimens of integrity, duty and obedience. General Clavering's minute I peculiarly recommend upon this occasion.

Proposal of Mr. Hastings that his private secretary, Mr. Belli, shall keep the accounts.

But Mr. Hastings, at the same time, to cover and diminish a little the odium of this extravagant transaction, says—

"I will undertake that Mr. Belli shall keep the accounts; and, if the Company shall disapprove of the amount of his profit, I will undertake that he shall refund it."

My Lords, Mr. Belli was private secretary to that unfortunate gentleman. When he undertakes that his private secretary shall keep these accounts, and if the amount be too large, upon inspection by the Company, that he shall refund the money, it is rather too near a connection to be quite free from some circumstances of suspicion, even against the principal.

Production of Mr. Belli's accounts.

But, my Lords, at last we have the satisfaction to show you these accounts in evidence. When the court of Directors did condemn the amount, and did order the agent to refund, or, in default of the agent, Mr. Hastings, his employer and perhaps his partner, these accounts are afterwards produced to the Council Board—accounts made by Mr. Belli to be inspected by Mr. Hastings—fabricated accounts, perhaps, they may appear to be, and, perhaps, there would be just suspicion to think them so, but, at all events, they were accounts produced to show that the Directors were wrong, and that Mr. Belli had not made too much.

Charge of 10,000*l.* for sundries.

There were several accounts produced at this time and several calculations, but there is one fact that it is material your Lordships should observe, in the accounts before you; it is this, that in one article there is a charge of 10,000*l.* for "sundries"—10,000*l.* laid out in articles too minute to admit of detail. That fact I leave there, because that is the greatest charge, almost, in the whole transaction. But it appears upon this account, which is for two years and nine months, that the net profit which, upon his own showing, Mr. Belli made out to have resulted to himself—the net profit of two years and nine months—is precisely equal to his gross allowances for two years. Therefore the consequence of that is, that the expenses of two years and nine months

Net profit to the accountant.

were borne by the allowances of nine months. Upon that alone your Lordships will be able to form some opinion of the extent and extravagance of the transaction. 30 MAY 1791

Profit on the proposed commission for waste stores.

But he states, in another part of this account, what has been his actual expense by the changing of these stores; what he has lost by selling the bad stores and substituting good ones. Upon that account, in the course of two years and nine months, his loss is 4,000*l.* The whole loss upon the business of the transaction, upon wastage, decay, and change of bad stores for good of equal quantities, was 4,000*l.* upon his own showing. Now, had he received the allowance according to the proposal of the merchants—they had affixed twelve *per cent. per annum* upon his purchases—this, and the amount of twelve *per cent. per annum* upon the original purchases, would have been 10,700*l.* Upon their own showing, the actual loss incurred in the change of stores was 4,000*l.* and, if he had taken the merchants' allowance of twenty *per cent.*, of which twelve was appropriated to that article, he would, upon that one article alone, which Mr. Hastings states to be the difficult and heavy article of that agency, he would upon that alone, in two years nine months, have made 6,700*l.* net profit. I state this, both to justify the merchants' estimate, and to show your Lordships that, when you compare that with the detail of the minutes, and all the arguments Mr. Hastings uses in justification of this transaction, you may see to what trivial, what unworthy, pretences and subterfuges they are driven, to justify this article of extravagance and corruption.

Proposal of Mr. Hastings to convert the agency into a contract.

The same terms secured to the contractor for five years.

My Lords, I have only to observe to you that, this agency having continued for a certain time, Mr. Hastings proposed to convert it into a contract at the same terms. This to the Company was undoubtedly indifferent, as far as their expense went; but to the contractor how different was it! Because Mr. Hastings converted it into a contract, not by advertising for proposals to have it done as cheaply as possible, but for the same terms, and secured the benefit to the contractor for five years to come! This was converted into a contract upon the same day that the bullock contract was signed. The memorable 9th of August, 1779, saw both these black transactions. It was converted into a contract under circumstances, too, of peculiar suspicion—namely, that, about that time, the Parliamentary government of India, of which Mr. Hastings was the head, was about to be dissolved. Mr. Hastings knew nothing of the continuance

Expectation of loss of his office.

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of his authority by subsequent Acts of Parliament. He knew his own iniquity. He knew his own extravagance. He knew his own corrupt and prodigal application of the public money; and he argued justly from it—"this has been seen in Europe; this has been known to my country, to the Directors, to the Parliament and to the public. My government is over; my day is gone. What shall I do? Why, entail upon my masters as long as possible the curses of my government; entail upon them as long as possible all that extravagance which I have practised while present;

His purpose to embarrass his successor with difficulties;

secure to my successors all the difficulty of providing for my expenses. I shall leave the government burthened with heavy contracts, with unnecessary and incredible expenses; I shall leave them all the difficulties of supplying an exhausted treasury, all the difficulty of restoring a depreciated credit; I shall leave them to eat in sorrow that bitter bread I have sown for them. I shall leave them to bear all the weight and all the burden of my crimes, while I shall leave

And to reward his adherents.

my dependants to insult, to triumph in their situation. I shall leave my dependants enjoying the blessings which I have created for them." And, if gratitude can be expected where men are acting together only upon corrupt principles, Mr. Hastings might look forwards to some participation of these corrupt and extravagant enjoyments and allowances which he had created for his dependants in India.

These motives charged against him at the Board.

I do not state this to you merely as my argument and inference from this subject; it was stated to Mr. Hastings in Council. Mr. Francis had put it to him in strong and powerful language; and Mr. Francis had declared that, if he succeeded him, he would endeavour to shake and to overturn, if he could—though he feared he could not—these corrupt transactions. Mr. Hastings says,

Mr. Hastings' answer.

"I answer to Mr. Francis' insinuations,"—

They were indeed no insinuations, but direct criminal charges—

"that it is natural enough for the agent to wish to secure himself before the expiration of the present government. I avow the fact as to myself, as well as to the agent."

He avows his intention of securing the agent in the enjoyment and possession of these advantages. He goes on—

"When I see a systematic opposition to every measure proposed by me for the service of the public, by which an individual may eventually benefit"—

Translate that, it is—"When I see honest and able men unite to oppose every corrupt transaction which I am doing for the benefit of a favourite individual,"— 30 May 1791.

"I cannot hesitate a moment to declare it to be my firm belief that, should the government of this country be placed in the hands of the present minority, they would seek the ruin of every man connected with me; it is, therefore, only an act of common justice in me to wish to secure them as far as I legally can from the act of future oppression."*

Mr. Hastings' suspicion that his adherents would be persecuted by his opponents in the Council.

"To ruin every man connected with him"—if he calls it ruin—it would have been their duty to have overset these corrupt and extravagant allowances; it would have been their duty to have endeavoured to defeat those unreasonable and intolerable contracts. To the agency they would have put an end; that he knew; because an agency must be in its terms and nature indefinite: but to a contract he knew his friend would have the security of law on his side, and he knew that, under the Government which he thought was to succeed to him, the law would have its due weight and full effect.

Under these circumstances, he converted this agency of Mr. Croftes into a contract. Under these circumstances, he created the agency of Mr. Belli into a contract for five years. Under these circumstances, at the same time, he created the bullock contract for five years, having previously dissolved the old one, which existed upon moderate terms. Under these circumstances and with this view—though at a later period, because the continuance of the government was suspended only from year to year, for the two years following, both in 1780 and 1781—he may have had the same motive for the length of time which he gave the opium contract, and for other things of the like nature. But your Lordships see him here determining to adopt and act the part of the faithless steward in the Gospel. He is there collecting those who were to account with the Company. He says—"Take any allowance you please, only let me secure it for a long term of enjoyment to you." He might, perhaps, rely upon their ability and their gratitude, that, when he had returned to England, some part of those favours and those profits which he had thus secure to them might, possibly, ultimately revert to himself.

Compared to the faithless steward.

* Extract of a Consultation of the 4th October, 1779.—Printed in the "Minutes of the Evidence," p. 1447.

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Recapitulation.

My Lords, it is with extreme satisfaction I have the honour to inform you that I have now finished the details of this evidence; and I only now propose to recapitulate to you the sums which I conceive to have been the total loss to the Company upon the subject. I think I made out to your Lordships that, under the article of opium, between the profits which Mr. Benn received from Mr. Young and those which he received from the other part which was not included in that sale, the loss to the Company was 76,000*l.*

Loss to the Company on the opium contract.

On the trade to China.

The smuggling expedition, in the way in which they are pleased to calculate it—for I give them even the advantage of their own calculations upon this subject—was 52,555*l.*

On the bullock contract.

Upon the bullock contract the loss was 260,263*l.*

On Sir Eyre Coote's allowances.

Upon Sir Eyre Coote's [allowances], between the Company and the Wazir, the expense and loss were 83,314*l.*

On Mr. Auriol's agency.

Upon Mr. Auriol's agency, allowing him credit for five *per cent.* upon his purchases, the rate at which merchants would have done it, the loss was 34,396*l.*

On Mr. Belli's agency.

Upon Mr. Belli's agency the loss, allowing him twenty *per cent.*, which the merchants fixed for him, the difference between that and the thirty *per cent.* which was charged s 34,432*l.*, during the term which he enjoyed the agency and contract.

Total loss.

These losses covered by his extortions from native princes, &c.

The total of these sums, my Lords, is 541,096*l.*! I have collected these sums to a total, for the purpose of desiring your Lordships a little to advert to that with which I set out to show you—how Mr. Hastings' extravagance was calculated to meet his extraordinary and unjust resources. And you will recollect all the evidence and all the history, which I shall neither attempt to repeat nor dilate upon;—the expedition to Oude and all the transactions that belong to it, when the Princesses were plundered by their son and grandson. You will recollect that it results from that evidence, I think, that the Government got only a sum of fifty lacs of rupees, or about 500,000*l.* sterling. With all that monstrous mass of iniquity, I show you now in these five—and if we could go into all the loss of all the different contracts and extravagant pensions, I should show your Lordships ten times as much—in these five instances, he lost all to the Company that he got by the plunder of the Princesses of Oude. I have shown your Lordships that all that he got, or proposed to get, in defence of the treaty, by his subsidy from Cheyt Sing, was 55,000*l.* I have shown you that that was at once diverted into the channel of the bullock contract—

that bullock contract, formed and created at the time when Mr. Hastings thought he was about to leave India, and he should either leave his successor the difficulty of providing for this extravagant contract, without any means of provision for the same, or the odious necessity of justifying Mr. Hastings' example by continuing an unjust and extorted subsidy from the Raja of Benares. 30 May 1791.

False pretence of public necessity to justify tyranny.

I have collected these sums, and stated them on that point of comparison in which I peculiarly wish your Lordships to look at them, because it is essential, both to our cause and to the cause of public virtue and justice, that a man shall not avail himself of a false pretence of public necessity to justify those acts of tyranny and oppression, when, not only has he himself been the author of that necessity, been the cause of that want, by his own corrupt and extravagant management, but that expense has been wholly and totally diverted to purposes of corruption merely.

The Commons have now shown to your Lordships, through the different Articles of this accusation, the complete picture of Mr. Hastings' government. But it was not till we had an opportunity of giving you the evidence upon this Article, that we could state the piece to be at all finished. It was not till now that the principal and striking figures assumed their proper colour, stood in their proper place, or appeared in their just proportions. It is now, my Lords, that the Commons think they have made out for you a whole. It is, therefore, in this present moment that they feel full confidence they have shown you the greater portion, if not all, of the crimes which they have imputed to Mr. Hastings; because they have determined rather to seek the end of substantial and speedy justice—to look to the redress of wrongs and to obtaining that great example which may possibly effectuate some reformation in India; they have determined, in doing that, not to incur the hazard of losing their ends by being over curious and over anxious to provide the means of it.

Omission of some of the Articles of charge.

Proofs established of tyranny and corruption.

My Lords, we have brought before you, in the two first Articles, marks enough of the injustice, of the public want of faith, of the oppression, of the tyranny, of Mr. Hastings. In the two Articles which were offered in the two last years, we have given you the proofs of Mr. Hastings' personal corruption; we have given you the proofs of the money which he has taken for himself; we have shown your Lordships that, amidst most of these acts of violence and power, his own rapacity was the stimulating

30 May 1791. and urgent cause; and, in the last Article, which I have had the honour to show to your Lordships to-day, we have, first, met his defence; and we have next shown, that one great object of his government was to secure to himself a party both in India and at home; was to secure to himself means to fortify himself against the law and against the authority of his masters; it was to secure to himself the quiet, unmolested, uninterrupted, enjoyment of that wealth which he had gotten by such foul practices.

My Lords, the Commons have had great difficulty and great embarrassments in this prosecution; and it is with some triumph—if we may be allowed to indulge any triumph in the subject—that we see it now drawing to a close—at least our part of it drawing to a close; when we shall have the hopes of obtaining the judgment and sentence of your Lordships to confirm and justify our exertions, and to complete and fulfil that great object which we have had in view, of endeavouring by this prosecution to secure a better government, to secure some peace, some prosperity, some happiness, to the unfortunate natives of India; and to endeavour, too, to secure the public virtue of this country against the consequences of this enormous and overbearing corruption. It is in full confidence in the integrity, in the wisdom, in the diligence, and in the zeal of your Lordships for public justice, that we leave this cause in your hands.

Rumoured attempt to influence the judgment of the Court by bribery.

My Lords, we have no apprehension that either the hope of Mr. Hastings may be realised, or the insinuations of some persons even in this country—insinuations not new in this country—may be justified. *Nihil tam sanctum quod non violari, nihil tam munitum quod non expugnari, pecuniâ possit.* My Lords, we know that the pure spirit of British justice, dwelling in your breasts as its sanctuary, is inviolable by Indian wealth. We know that the independency, the honour and the justice, of this tribunal are neither to be invaded by power or wealth, nor undermined by influence; and we know that, when we leave this great charge, thus supported by evidence, thus supported by argument—as we think it is—in your Lordships' hands, we leave you an opportunity of justifying the opinion which all countries, and which, I trust, above all, all persons of this country, have of the blessings of our present form of government and constitution.

We shall have shown to the people of this country that we have intitled ourselves to their confidence; that their representatives, acting on their behalf, have not shrunk from

the difficulty of this prosecution; that we have not shrunk from the obloquy that has attended it. We shall have shown ourselves vigilant asserters of their interests. For their interest they are to repress public peculation and public corruption. My Lords, it is no less their interest to watch over and protect those distant provinces, who have no other protection but the vigour, the spirit, the energies and the virtues, of the people of England. My Lords, we shall have done our part, in bringing this prosecution; and I have no doubt that your Lordships will do your part. You will confirm the admiration and respect—you will confirm the veneration and submission—which all persons in this country must feel for your Lordships' tribunal. It is with you, my Lords, now to discharge your duty in judging upon this case with as much zeal, as much diligence, as we have shown in the prosecution of it; and, with the fullest confidence, we rely upon the justice and propriety of your Lordships' sentence. It is with this, my Lords, the Commons close their charge. 30 May 1791.

ADDRESS OF WARREN HASTINGS, ESQ., IN HIS DEFENCE UPON THE SEVERAL ARTICLES OF THE CHARGE; 2d JUNE, 1791.

2 JUNE 1791.

Apology for delivery of the address.

MY LORDS,—The indisposition under which I laboured when I last appeared at your Lordships' bar has not yet left me, and I am, in consequence of it, still so hoarse that I fear I shall not be distinctly heard. I say not this to move compassion, but sincerely to apologise to your Lordships for the many defects which will be found both in this address, and in the mode in which I have chosen to deliver it.

Delivered from writing.

My Lords, I am no orator, nor am I ambitious of [being thought] one. I knew that I should be embarrassed in speaking before so august an assembly, and I feared I should be oppressed by the immensity of the matter which belongs to the subject upon which I am to address your Lordships. Instead, therefore, of trusting to the promptness of my recollection for the apt selection of those points which it would best become me to submit to your Lordships, I committed them as they occurred to paper, and I now beg your Lordships' permission to read them from the notes, which I have brought with me; requesting only that your Lordships, in alleviation of any defects which will still be found, even in this mode of address, will be pleased to remember that I have only had two complete days to prepare it; that it has relation to all the acts of a long official life, and to a trial which, in the extent of its duration and in the bulk of its proceedings, has nothing parallel to it in the history of this or any other nation.

Disappointment in not being allowed to open his defence.

How painfully soever I may feel my disappointment in not being able to bring my defence before your Lordships during the continuance of the present session, I nevertheless believe it to have been an indulgence which your Lordships would, if you could, have granted, but which it was not in your power to grant, without such a sacrifice as an individual, supported even by the call of justice, in a trial which is become of such magnitude and consequence as to attract the attention and alarm the interest of thousands, could not expect. And I do, therefore, with the most patient and respectful submission, bow to your determination. I am

thankful for your allowance of this one day in addition to the present session. I hope in such a manner to avail myself of it as to compensate to your Lordships, no less than to myself, for the trouble of this short attendance; and to induce your Lordships to put an end speedily and for ever to my long and unexampled prosecution. 2 June 1791.

Impossibility of presenting full defence to all the articles of charge.

It was not my intention, had your Lordships complied with the prayer of my petition, to bring a laboured defence before you, applied to every allegation in the Articles of the prosecution; neither could I hope that your Lordships would endure the time which would be required for it. Nor could I, if I would, produce all the evidence which would be necessary for such a mode of defence. Of thirty-four gentlemen who composed the list of witnesses, whom I had originally selected for examination to the different and successive allegations of the charge, some are dead, some returned to their service in India, others, after an annual but fruitless and disheartening attendance, dispersed in unknown parts of these kingdoms, or, for aught that I can tell, in the remoter regions of Europe. Those whose attendance I could engage are very few in number—chiefly gentlemen connected with me by the habits of familiar intercourse; and their testimony, for that reason, liable to be depreciated by the licence which the Managers have assumed with the characters of those, even of their own witnesses, whose evidence has not answered their expectation of it. These, though competent to speak in my behalf in matters of comparatively less importance, may be unacquainted with the greater points in my defence. My evidence, however selected, could not be so complete as it might have been, upon some points, because those from whom stronger testimony might have been delivered are no longer within my reach.

Dispersion of witnesses.

Disadvantages to his defence from protraction of the prosecution.

In such circumstances, would your Lordships admit it as an excuse for insufficient evidence that I should have had better to produce had my trial been brought within the compass of a reasonable time from its commencement? Would it have been permitted to me, for instance, to produce the minutes taken by my Counsel and solicitor, though attested by them upon oath, of the examination of the late Lieutenant Colonel Eaton to a series of acts committed under his immediate notice, and all proving incontestibly the disaffection of Cheyt Sing, and a determinate plan to erect his independence on our external and growing difficulties? Yet I have no

2 June 1791. other so strong to offer to these points, in corroboration of that of which your Lordships are already in possession. And of this I am deprived, not by any neglect or other cause which could be imputed to me, but only by the effect of that unparalleled injury which I have suffered, by the extension of a criminal trial beyond the chances of duration in human life. This disadvantage, which every past year has augmented, every coming year will continue to augment; if it has not already attained that point at which any evidence which I could call would be ineffectual to the real uses of it.

Its influence on past proceedings.

Nor is it of the insufficiency of any future evidence only that I complain. Even of the past I may express my fear that much must be obliterated, and the whole rendered obscure, from the various lapses of time since it was delivered, and from the impossibility of distinguishing accurately between the remembrance of proofs and the remembrance of mere allegations. Every year has taken away from me some of my judges. New ones have succeeded, some by creation, some by inheritance, and others by election. None of your Lordships will suppose I can mean any disrespect, when I observe that these cannot be supposed to possess, or be capable of attaining, the same knowledge of the past proceedings as those who have attended to them from the beginning. And every obstruction to that knowledge is an injury to my cause, if mine is, as I assert it to be, the cause of truth.

Changes in members of the court.

Uncertainty of his own life.

With so many examples of the uncertainty of human life, I cannot help adverting a little to my own. I thank God that I have had a more equal portion of health, since the commencement of this trial, than, considering the broken state of my constitution, my advanced age and the vexations of a six years' prosecution, I could have reasonably hoped to possess. Yet I have not been wholly exempt from such warnings as make me dread to trust to the contingency of another year the chance of an event so necessary to my peace of mind as the termination of this tedious prosecution, if, by any present effort, I can obtain it from your Lordships.

For these reasons, and others operating with a stronger force upon my mind, though unnecessary and perhaps less fitting to be detailed to your Lordships, I have formed the resolution for which I solicited my appearance on this day before your Lordships, and for which I am alone responsible, whatever may be the event of it.

I deem it just to my Counsel to declare that, although in all matters of a legal nature I should rely most implicitly upon their advice, and although I have no less reliance upon their personal zeal and attachment than on their professional talents, yet in this instance I have followed the impulse of my own judgment alone, without the aid of theirs—and even against it; for it was not a decision subject to the rules of legal practice, but urged by internal considerations, of the force of which I alone could be the judge. 2 June 1791

His own judgment followed, not that of his Counsel, in offering the present defence.

If they could have made my case so absolutely their own as to have felt the same impression of it upon their minds that it might make upon mine, still they could not advise me to act upon that impression, with hazards by which I alone might be the sufferer, and which it might be possible to avoid by waiting to a distant, though indefinite, season for a surer determination of my trial by a regular and detailed process.

My Lords, a great portion of my life has passed among a people with whom it is an established and favourite maxim that "speedy injustice is better than tardy justice." I shall not adopt this sentiment in the literal extent of it; nor from your Lordships shall I expect other than at least intentional justice. But, even to your Lordships, highly as I revere your authority and trust to the purity of your decision, I will dare to avow that I would rather expose myself to the hazard of your present condemnation, if I thought there was a hazard of it, than wait to another year for my acquittal, with the uncertainty that even that year would conclude the trial. But, with far different expectations, I now declare to your Lordships that I am willing and desirous to waive my defence of the charge preferred against me by the Commons of England, and to refer myself to your Lordships' immediate judgment, if your Lordships will be graciously pleased to proceed to immediate judgment upon it. For my acquittal I trust most confidently to the evidence adduced by my prosecutors themselves, to make good their charge; having myself listened, with an attention scarce ever relaxed or diverted from the proceedings, and being satisfied that not one criminal allegation of the charge has been established against me, and almost every one refuted by their own evidence, either by the replies of their oral witnesses, or by the written documents or their context, aided by the vigilance of my Counsel, with the partial and mutilated extracts from them which were introduced by the Managers.

Preference of speedy judgment, on imperfect defence, to prolonged expectation.

Confidence in the failure of the prosecution.

2 June 1791.

Reflection on the violence of the speeches of Managers.

Your Lordships will try my conduct by the evidence which my accusers have brought before you, not by their speeches. They were sent by their employers to accuse me and to prove their accusations, not to revile me—much less to expatiate, with all the licence of unrestrained declamation, upon crimes which their constituents had not authorised them to charge against me. But, although I have reason, from my own observation, to believe that their laboured invectives produced on your Lordships' minds impressions favourable to my cause, in proportion as they were contradicted by the evidence before you, yet it was not to your Lordships' hearing alone that their invectives were directed. It is the custom of this country—and I applaud and admire the motive and the end of it—that the court before which the trial is heard should be open and free of access to the whole world. But, my Lords, this custom puts my fame and honour at issue with other judgments than your Lordships'. And their judgments are formed not, like yours, upon calm investigation and cool unbiassed wisdom, decided by the evidence only which has been stated. No! my Lords, the audience come with other minds and with different motives. They come to hear the declamation of invective, and to be amused by the ingenuity of the orators. Bold assertions, however unfounded and unjust, are believed by them because they are boldly made, and heard without refutation or denial. Misled by the arts of eloquence, they are deceived into opinions of which it is impossible they can either detect the fallacy or perceive the imposition. They are pleased and deluded by the talents of the orator; and whatever prejudices he wishes to create in their minds they of necessity receive; and, after the entertainment of the day, depart, with their passions inflamed, to communicate their effects to the circle of their acquaintance.

Their influence on the public.

Effect on his character.

I know your Lordships do not consider such declamations as any legal proofs, and I am confident you will not suffer them to make the slightest impression on your judgments. But is it possible that the general effect of them, thus spread abroad, can fail to embitter my life and affect my peace in society, as long as the trial lasts, by producing all the ill consequences, in the public opinion, of a condemnation? For I fear, my Lords, that the axiom of the English law, that every one is to be presumed innocent until he is proved guilty by his judges, will weigh but little when opposed to

prejudices so conceived and disseminated. It is impossible for me to refer judges of this description—and unnecessary for me to refer your Lordships—for the true criterion of my conduct, to the real and legal process—I mean to the evidence adduced, and adduced even by my prosecutors themselves; and I dare to repeat that this evidence alone is sufficient for my acquittal, so far as it extends, and that, where it does not acquit, it does not, in a single instance, operate to my conviction. 2 JUNE 1791. Failure of the evidence.

My Lords, the delay has in some measure been imputed to myself—how unjustly is known to your Lordships and to all who have attended this trial. Cause of the delay unjustly imputed to himself.

It has been said that I might have answered Article by Article. That proposal was rejected by my Counsel, who alone were capable of judging of its propriety. But, my Lords, who could have thought that four sessions would elapse before I should have an opportunity of answering? There was no precedent in the history of this kingdom of a criminal trial lasting even through one session of Parliament, much less through five. It was impossible for me to avail myself of the experience of others in this case, though posterity may avail itself of mine. Opposition to course of answering Article by Article.

But, my Lords, with respect to wilful delay on my part, there never was a more unfounded assertion: for, whilst my accusers have their expenses borne by the public, I am continually wasting my private fortune—and that so rapidly that every day's delay amounts to a fine. This circumstance alone was sufficient to exculpate me from every charge of delay and procrastination. And this circumstance, my Lords, contributes its share, though I own but a small share, in urging me to solicit your immediate decision. Waste of private fortune.

My Lords, it would be an endless task to enumerate all the items of accusation which have been made use of against me during the course of this long and tedious trial. I have been represented by one of the Managers—to use his own terms—as "an encyclopædia of criminality." It is, however, generally speaking, sufficient for the person accused to give a general denial to general charges; but it will not take up much time to state to your Lordships the substance of the general charges so often repeated and so loudly proclaimed at your Lordships' bar and to the public. You have been told that I have ruined and depopulated the provinces entrusted to my care; that I have violated treaties, and Comprehensiveness of the charges.

2 June 1791. brought disgrace and discredit on the British name in India; that I have oppressed the native inhabitants by my extortions or arbitrary demands of money; that I have wasted the public treasure by profusion; and that I have been guilty of disobedience to the orders of my superiors. This is the substance of the general charges urged against me; and it is a great happiness and comfort to me that I have it in my power to answer them by facts of such public notoriety as to require no proof.

Charge of ruin of the country.

In refutation of the first, namely, that I ruined the country committed to my care, I need only say that I increased the revenues of my government from three millions to five. They have increased since my departure and are still increasing; infallibly proving thereby an increased population and a good government in former years. The accounts delivered annually to the House of Commons by the Minister for India are indeed the best answer that can possibly be given to the charge on which I am now speaking.

Violation of treaties. Testimonials from native princes.

In answer to my having violated treaties, and brought disgrace and discredit on the British nation, I desire to inform your Lordships that the letters of Muzuffer Jung and Fyzula Khan to my successor in office were laid before the House of Commons. They requested to be treated by him as they had been treated by me. To these I may add the letters of Mudaji Bosla, the sovereign of Berar, to Mr. Macpherson, wherein he speaks of me in the most honourable terms, and expresses an anxiety for my health far beyond the common course of compliment. If further testimony were requisite, I might also quote the letters of Nizam Ulmuk to his Majesty, and of Madaji Scindia to his Majesty and to the Company, yet more strongly expressive of their sense of my justice and good faith.

Extortion and exaction.

In answer to the charge of my having oppressed the natives by extortions and exactions, I have to offer the testimonials of all ranks of people in India in my favour. I trust your Lordships have not forgotten what my accuser said upon this subject two years ago. When these memorials arrived he felt the weight of them. He found the situation of an accuser to be very awkward, when the people in whose name he had charged me with the grossest oppression denied the truth of his accusations. He told your Lordships that the testimonials were extorted, and, in a figurative manner

Attempt to discredit the testimonies in his favour.

2 JUNE 1791.

of speaking, he said that "the hands which signed them were yet warm with the thumbscrews that had been put on them."* The absurdity of this declaration was such as to require no answer. My influence in India has long ceased. It is very seldom that mankind are grateful enough to do even common justice to a fallen minister; and, I believe, there never was an instance, in the annals of human nature, of an injured people rising up voluntarily to bear false testimony in favour of a distant and prosecuted oppressor.

Squandering the revenues.

In answer to my having squandered away the public treasure, I have only to refer your Lordships to the amount of the expenses, civil and military, of the government of Bengal, during my administration and that of my successor, in peace and in war. Let the balance, which is very considerable in my favour, determine whether I have been profuse or economical.

Disobedience to orders of the Directors.

Necessity.

Thanks of the Directors.

Approval of Proprietors.

In answer to the general charge of disobedience to the orders of the court of Directors, I will not pretend to say that I have in no instances deviated from their instructions. Most assuredly I have. But, wherever I have done so, I trust I shall be able to justify those deviations by the necessity of the case—and by the event. That the court of Directors were satisfied with the general line and tenor of my conduct is evident from the thanks which I have been repeatedly honoured with by that body. I have further to say, that the general sense of the Proprietors has been at all times in my favour, for I have had repeatedly their thanks also, in the fullest and most unqualified manner.

My Lords, I am sensible that, though I had the thanks and approbation of my superiors in many instances, and though it is acknowledged by many of those who voted for my impeachment that my services were of the utmost importance, and, in fact, have preserved India to this country —I am sensible, I say, that, notwithstanding these thanks and services, it is still possible for me to have committed many reprehensible actions, and that the performance of a thousand meritorious deeds may be no proof of innocence in other transactions.

Answer to criminal points in the charges.

My Lords, although I have fully and irrefutably answered all the general charges urged against me, I cannot

* See the Speech of Mr. Burke, in opening the sixth Article of the Charge, printed in the present volume, p. 5.

2 June 1791. expect you will give me credit for perfect innocence in every particular instance, unless that innocence were proved by evidence now before you; and it is with a view of recalling your Lordships' attention to that proof, that I shall now enter into a cursory examination of the criminal points contained in the four several Articles which have been brought before your Lordships.

It cannot be expected that I should reply, in the space of one day, to every minute allegation which my accusers would have your Lordships behold in a criminal point of view. The want of time will not permit me to go into a detail; and I must therefore direct my attention to the great points of criminality—as they are called by my accusers.

Transactions at Benares.

The first charge which was brought before your Lordships—I am sorry to say now more three years ago—was that respecting Benares; and the points to which criminality is imputed are principally these:—that I violated a treaty with an independent prince, by unjustly compelling him to pay five lacs of rupees, annually, for three years;—that I caused his person to be arrested, and that I intended to impose upon him an enormous fine for imputed delinquency;—that I expelled him from his country, and appointed a successor, with a stipulation of seventeen lacs of rupees advanced rent to the Company. My Lords, these are the principal points of supposed criminalty in the first Article. These are not all; but the remainder are of an inferior nature, and so dependent upon those which I have enumerated that they must stand or fall together.

Cheyt Sing not an independent prince.

My Lords, there is abundant evidence adduced by my prosecutors to show that Cheyt Sing was not an independent prince. He was, as his father and grandfather had been, the vassal of Suja-ud-Dowla. The districts of Benares and Ghazipore were transferred to our government by the present Nawab of Oude, at a time when I myself could not be answerable for any of the acts of administration, being then in a minority. My Lords, it is true that my accusers took infinite pains to prove that Cheyt Sing was made independent of our government in every respect, except that of paying to it annually twenty-three lacs of rupees; and that we had irrevocably bound ourselves down not to exact, in any case whatever, a larger sum than that just mentioned. All this body of proof is collected from the discordant

minutes of the different members of the Council, and from the resolutions of the whole. Upon these minutes and resolutions they have rested Cheyt Sing's right of independency. My Lords, I scarcely need tell you that, whatever our various resolutions or opinions might be, individually or collectively, they could not affect the right or title of Cheyt Sing to the zamindary, nor the tenure by which he held it. He was neither more nor less than a zamindar. His sanad and patta were made out, not from a copy of stipulations and agreements between him and the Company, but from the common formulas of such instruments granted to zamindars in the Company's original provinces. The Raja never pretended any right to stipulate or demand. He was content with what the Company was pleased to allow him. My Lords, I do again insist upon it that no arguments, votes or resolutions, of our Board could confer any right or title upon Cheyt Sing which he did not possess from his patta and sanad. Therefore the whole of the evidence which the Managers have brought, respecting our various opinions on the rights of Cheyt Sing, is null and void; and he must be considered the same as any other zamindar of the British Government, with the exception of certain privileges conferred upon him, which were accurately defined in the sanad and patta. Perhaps there never was a more unfair attempt to delude a court of justice than that of making me answerable for violation of a treaty with an independent prince, who had no other claim to independence than that of being so styled in some of our debates in Council, through the inaccuracy of language.

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He was a zamindar.

It follows from what I have said, that, if every Government has in time of danger and necessity a right to increase the taxes and revenues upon their subjects, we had also the same right to increase the tax, rent or revenue—or whatever name be given to Cheyt Sing's yearly payments—upon him who was our subject, whenever necessity should require it. And of that necessity Government only could judge. These, my Lords, were my sentiments at the time when I moved in Council for a temporary subsidy to be paid by Cheyt Sing. These are my sentiments at the present moment. I considered taxation and protection as inseparably arising from each other. I never did look upon the sanad as exempting Cheyt Sing from the customary demands which all superior states in India make upon their de-

The Company's right to increase Cheyt Sing's tribute.

2 JUNE 1791. pendants in time of war—namely, that of aids both in money and troops.

To this point of right in our Government, to demand aid in troops and money during a war, I must entreat your Lordships most particularly to attend. For, if your Lordships shall be of opinion, with his Majesty's Prime Minister —an opinion delivered with much solemnity in the House of Commons—that our Government did possess the right, then all the criminality imputed to this demand of a contribution of Cheyt Sing vanishes and is totally annihilated. But should your Lordships think otherwise—which I cannot for a moment suppose—in that event, my guilt will be a mere error of judgment, which is rather a weakness of human nature than a fault. Again, if your Lordships think, with me, that we had a right to call upon Cheyt Sing, then the next question will be whether our demands were too great for the urgency of the occasion, or beyond his ability to comply with. The sum demanded was only five lacs; and it was not made till after we commenced a war with the Mahrattas, and had received intelligence of a war with the French, and thought ourselves in danger of an invasion.

Amount of the demands made upon him.

My Lords, I need not enter into a detail of the various objections, difficulties and delays, which Cheyt Sing made in the payment of the required aid. It is sufficient to acknowledge that I went up the country determined to call him to account for his misconduct. The result was his imprisonment and rescue, a rebellion, and his consequent expulsion from his country. My Lords, if we had a right to an extraordinary aid from our zamindars in time of war, we had a right to enforce that demand. We did enforce it upon Cheyt Sing. But it was attended with so many increasing difficulties and delays, that it almost rendered abortive the purposes it was intended for, at a most critical season.

Enforcement of the demands.

Arrest of Cheyt Sing.

My Lords, it is urged against me, as a matter of great criminality, that I put the Raja Cheyt Sing under arrest. It is true I did so; but his arrest was not attended by any disgraceful restraint, for it was in his own house.

Fine of fifty lacs.

It is also urged against me, with much acrimony, that I intended to levy a fine on the Raja of fifty lacs of rupees. The sum is, undoubtedly, large in sound, but it by no means exceeded the ability of Cheyt Sing to pay it with ease; as is evident from the treasures left behind him, after he had employed all his carriage cattle to export his gold and jewels

to a foreign territory. He must have been immensely rich, and a small fine would not have been felt as any punishment by a man of his opulence. But, my Lords, whether I was wrong or right in my intention, I had no other view in it than that of relieving the necessities of the Company by an act which I conceived to be strictly just. And, after all, there certainly can be no crime in an unexecuted intention—an intention which the Raja knows not to this hour, and which I possibly might have altered upon the Raja's submission and promise of better conduct. 2 JUNE 1791. Necessities of the Company.

The next point of criminality is, that I appointed a successor after the expulsion of Cheyt Sing, and increased the revenues to 17 lacs of rupees annually. My Lords, there was no alternative between the restoration of Cheyt Sing and the appointment of a successor. The former was impossible, and the latter consequently unavoidable. In my choice of a successor, I was guided by the rules of consanguinity and hereditary succession; and, in settling the revenues, I did what my duty to the Company required of me, I fixed their amount from the best information of the country's abilities to pay it. And the annual payments of the same sum from that time to the present, with trifling balances in some years, which have since been realised, are a sufficient testimony of its not being overrated. Appointment of successor, and increase of tribute.

Before I quit this Article, it may be necessary to call the attention of your Lordships to another point. Acting, as I did, under a delegated authority, I maintain that, whenever my superiors had information both of my opinion and conduct, and expressed no disapprobation of either, their silence amounted to an approbation, and may be justly pleaded by me as a full justification of my conduct. When I first proposed the demand of five lacs of rupees a year, during the war, a doubt was started by Mr. Francis as to our right of making it. I recorded my opinion that we possessed the right, which is inherent in all Governments, of calling upon their subjects for extraordinary aids upon extraordinary emergencies, and that we were not precluded from exercising that right by any engagement made with Cheyt Sing. A second debate arose at the Board upon the same question, in consequence of his delays and evasions, and a pointed reference was made of the question in both instances to the court of Directors, from whom I never received one word of censure or disapprobation of what we continued to do, and regularly reported in our letters and minutes, for three years Approbation of the Directors.

June 1791. successively. The same communication was made to his And of the Ministers of State. Majesty's Minister, the present Earl of Guilford, with whom, at his own request, I corresponded for many years. My Lords, it would be an extremely hard case to make me answerable for an error in judgment into which, if I have fallen, I have fallen in common with my immediate superiors and his Majesty's Minister. But, my Lords, I feel myself so strong, so grounded on the matter of right, that I hold it almost impossible there should be a dissenting opinion, in any human being who will be at the pains of examining the question with impartiality.

Disavowal of arbitrary power. My Lords, in the course of this trial, my accusers, to excite a popular odium against me, have called me the abettor or usurper of arbitrary power. I certainly did not use the words arbitrary power in the sense which has been imputed to me. The language, it is true, was not my own, for I was indebted for that part of my Defence to the assistance of a friend; but this I can aver, that nothing more was meant by arbitrary power than discretionary power. I considered myself and Council as invested with that discretionary power which commanders-in-chief have over their armies, which the Legislature has lately conferred, in a greater extent, on Lord Cornwallis, singly, and which all Governments have in their legislative capacity over the property of their subjects. I never considered that my will or caprice was to be the guide of my conduct; but that I was responsible for the use of the authority with which I was invested to those who had conferred it on me.

My Lords, let me be tried by this rule:—did I act prudently and consistently with the interest of my superiors Upright intentions. and of the people whom I governed? Whatever may be your Lordships' opinion upon this question, I can with a safe conscience declare to all the world that my intentions were perfectly upright, and biassed by no selfish considerations whatever.

Second Article. My Lords, having said thus much on the subject of the first Article, I must pray your patience whilst I make a few Spoliation of the Begum of Oude. comments upon the second. The principle point of imputed criminality in this Article is, that, after the Supreme Council had guaranteed the Begum in the possession of the treasure left in her custody by her deceased husband, Suja-ud-Dowla, I permitted her son to resume by force the said treasure, and thereby violated the guarantee. In order to influence the minds of your Lordships and the public, great

pains were taken by my accusers to represent me as guilty of the most atrocious cruelties and barbarities in the act of resumption. I have, however, the happiness to find that it is totally unnecessary for me to enter into an exculpation of myself with regard to the latter part, for the evidence of Captain Jaques and Major Gilpin clearly proves, not only that no cruelties were committed in the manner which is stated in the Articles, but, if there really had been any cruelties committed, no blame could be imputed to me nor to any person acting under the British Government. 2 JUNE 1791. Not responsible for cruelties.

That the resumption of the Begum's jagirs and the resumption of her treasure had my approbation, I readily admit. Nay more, I admit that, after I had given my consent to the Nawab's resuming the jagirs and resuming all the treasures, I did earnestly urge him to carry his intentions into effect. My Lords, at the time of my giving this consent, I was, from the intelligence which I had received, fully convinced of the Begum's disaffection to our Government. It was not my opinion only, but it was the general rumour of the country that she and her ministers aided and supported Cheyt Sing in his rebellion. That such was the general rumour and public opinion is evident from the affidavits already before your Lordships. And, notwithstanding the ingenuity of the Managers, who laboured to explain away their meanings, they still contain and afford the most ample proof of the hostile intentions both of the Begum and her ministers towards our government. But, had the continuation of this session enabled me to enter into a detailed defence, I could have brought the most irresistible evidence to prove, not only the general rumour and opinion, but also that the Begum did, through her ministers, actually lend her assistance to our enemies. The resumption of the jagir and treasures. Disaffection of the Begum. Affidavits.

My Lords, I believe there is no state in the world that considers a guarantee, made in favour of another state, binding any longer than whilst they continue in amity with each other. The first hostile act of the party guaranteed is and must be a sufficient reason for withdrawing protection. It is not expected that we should protect our enemies. It is true the Begum could not be considered as the Queen or Empress of an independent state. She was properly a jagirdar, under the dominion of her son, and, perhaps, there was much more internal criminality in making the guarantee than in withdrawing it. The act of making it was not mine. It was done by the Resident, without the knowledge The Company's guarantee.

2 JUNE 1791. of the Board; but it had their approbation after it was done. Neither do I contend that our Government was not bound to the fulfilment of the condition. But, as a great clamour had been raised without doors about the resumption of the Begum's treasure, and as it has been represented as a most unnatural act for a son to rob his mother, I hope your Lordships will allow me to state and explain the matter.

Denial of the Begum's title to the treasures.

When Suja-ud-Dowla died, he left a large sum of money in the custody of his wife: she had been his treasurer, and was so at his decease. By the Mohammedan laws, a widow having a dower or settlement is not intitled to any share of the intestate's effects. Suja-ud-Dowla died without a will; and, though possessed of a very large sum of ready money, was also very deeply in debt. His debts, if paid, would probably have consumed every rupee in his treasury. In India, as in all other countries, debts must be paid, if there are sufficient assets, prior to legacies or any distribution among the heirs. In any point of view, the Begum had no legal title to the treasures of her deceased husband. She had no right except that of possession; and of that her son would have forcibly deprived her, had not the Resident interfered with his conciliatory advice between them. Nothing could excuse his interference but the consideration of the near relationship between the parties, and the certainty of the Nawab's having his just right at the death of his mother. Had my accusers thought fit to have taken the other side of the question, they could, with as much ease and much more justice, have influenced the minds of their hearers against the mother for her unnatural conduct to her son, than they did influence them against the son for ill conduct to his mother. I say with much more justice, because the son had a right by the laws of his country which his mother had not. If the latter was deprived of the treasure, she was only deprived of that, some years later, of which she could make no use, and which she ought voluntarily to have given up some years sooner.

My Lords, I speak this on the equity of the case, for, though it may be contended that the Begum had a right to the treasure by the Nawab's concession on our guarantee, she never had, nor could have, an equitable right to retain it. There would have been nothing unnatural or unjust in the Nawab's taking by force the treasure left by his father, if he had done it in the first instance, and appropriated it to the payment of the immense debts which Suja-ud-Dowla owed

when he died, and which the son was obliged to pay. It is nothing more than is done frequently in our courts of justice, who will compel an avaricious mother to divide her deceased husband's property with her children, by an execution on her goods or imprisonment of her person. If there would have been nothing improper in the Nawab's insisting upon his right in the first instance, there could be nothing unnatural in what he did in the second instance: he only exercised a right which he was restrained from using by foreign influence, which, as I have said, was not very properly exerted. But, my Lords, whether our interference in the original dispute between the mother and the son was right or not, it is certain she was intitled to our favour no longer than while she continued to deserve it. 2 JUNE 1791.

My Lords, after I had, upon the fullest conviction of the Begum's disaffection to our government, consented to the resumption of the treasure and jagirs, it is true I was desirous of having it carried into immediate effect; but the resumption of the jagirs was first proposed by the Nawab himself to be general, and the point upon which I afterwards pressed him was, that of resuming the jagirs from his orderlies, a description of men that were by no means deserving of his countenance or favour. He never was averse to the resumption of the jagirs which were held by his mother; but, rather than extend that resumption to his orderlies, though originally proposed by himself, he would have abandoned the plan altogether. This I opposed strenuously, because, having committed myself by the assent I gave, I could not brook the idea of my name being made use of for the purpose of making so unworthy a distinction, which must have affected both the character of myself and of the English government. Recommendation of the general resumption of the jagirs.

Much criminality has been imputed to my neglect of the Company's orders, which enjoined me to make a judicial inquiry into the truth of the Begum's disaffection. My Lords, I positively deny now, as I did at the time in Bengal, that any order was transmitted to us to make any inquiry at all. And if, upon any construction of language, it had been deemed an order, which it was not by any one member of the Board, it would have been an act of insanity in us to obey it in August, 1783, when a perfect reconciliation had taken place between the Nawab and his mother. Such an inquiry would have thrown all the Nawab's dominions into utter Pretended order of the Directors to make judicial inquiry into the Begum's disaffection.

2 June 1791. confusion. To have entered into an inquiry, if it had been ordered—which I affirm, and so did Mr. Macpherson, after attentively reading the letter, that it was not—would have opened the breach again, and perhaps have prevented it from ever closing. Besides, no arguments upon earth could have convinced the Nawab of the propriety of his restoring the treasure, which ever was, in strict justice and equity, his own, and of which he had been unjustly kept out of possession.

Contradiction in the Articles of charge.

Charges of forcing the Nawab's consent and also of giving it for money.

My Lords, there is a contradiction in the charges brought against me by my prosecutors, which shows that their zeal for accusing transported them beyond the bounds of judgment. I am accused of wringing by violence from the Nawab his consent to the resumption of the treasures and of the jagirs, in one part of the Article, and, in another, of having sold my consent to the same measure, for ten lacs of rupees, to the Nawab. My Lords, it is impossible these two propositions can stand together. They contradict each other, and I positively deny them both.

Equivalent in money given for the jagir.

I have another observation to make with respect to the resumption to the jagirs. It was stipulated with the Nawab that an equivalent in money should be annually paid to the Begum, in lieu of the lands of which she was deprived. There was certainly no injustice in this; and the measure was of infinite service to the Nawab's government, for it cut off those mischiefs to which a divided authority is always liable in India. It is in evidence before your Lordships that jagirs are in their nature always resumable, at the pleasure of the government under whom they are held.

The Company's want of money.

I must entreat your Lordships to remember that, at the time I formed an intention to levy a fine upon Cheyt Sing, and when I consented to the resumption of the Begum's treasure, our government was in the utmost distress for money. I need not, in this place, enter into a minute detail of the several armies we then had in the field, or of the various demands upon me for immediate supplies of treasure; it is sufficient to say, that the distress was as great as it was possible to be without an actual state of bankruptcy and insolvency. It was very natural, under such circumstances, for me to avail myself of every just means of supply which fortune might throw in my way. It might and, I may say, it actually did incline me to act with greater promptitude and decision than I should otherwise have done. I do not,

however, mean to say that the want of money for the public service would have induced me to take the very measures I did. Neither is it necessary to say what measures I should have taken, under other circumstances, to procure the speedy payment of the Nawab's debt. But it would have been highly criminal in me, had I neglected or refused to give my assent to the Nawab's proposition, which was founded in justice and expediency, both for his government and ours, and particularly at a time when treasure was so much wanted for the payment of our armies. My Lords, I do most solemnly declare that I acted to the best of my judgment, paying due regard on the one hand to the laws of justice, and on the other to the interest of my employers. To myself, individually, it was a matter of no moment how the exigencies of the service were supplied, so they were actually and effectually supplied. I could have no undue bias upon my mind, for, had I been inclined to act corruptly, I might have found my own account in forbearance but not in exaction. 2 June 1791. Defence of motives.

The next charge, my Lords, is that of the presents, and it divides itself into two parts—to wit, that of the concealed, and that of the avowed presents. Charge of presents.

In answer to the first, I need only say that there is no proof before your Lordships of my having accepted anything more than the common ziafat; and even of this there is no other proof than my own admission. I will not pretend to deny, I never did deny, that I accepted the usual entertainments which were then—for it was previous to the Act of Parliament prohibiting the receipt of presents—usually given to the visitor by the visited. The Nawab of Bengal received a thousand sicca rupees a day, for a similar entertainment, from the Company, as often as he visited the Governor in Calcutta. It is usual in the country; and it is impossible for any person to read any oriental history without knowing that the custom has prevailed all over the East, from the most ancient times to the present. My predecessors, as I was informed, had received the same, and it was never held criminal in them. I can most solemnly affirm for myself—and I dare say it might be said for my predecessors also—that I did not add one rupee to my fortune by this allowance; and I am confident I must have charged as large a sum to the Company, if it had not been paid to me, according to invariable usage, from the nizamut. Concealed presents. Usual entertainments given to a visitor. Similar allowances paid by the Company to the Nawab of Bengal.

2 June 1791.

Failure of attempt to prosecute for the transaction.

It is impossible that there could have been anything wrong in this transaction. Not only was it a matter of public notoriety, never denied by me, but the opinion of Counsel was taken by the Company as to the propriety of commencing a prosecution against me for it, at a time when the Minister wished to seize any ground for removing me from my station, through the medium of the court of Directors. The Legislature, since this business was the subject of discussion, has three several times appointed me Governor General of Bengal, at the recommendation of that Minister. Surely, my Lords, it cannot be the intention of my countrymen, after availing themselves of my services as long as they wanted them, to call me to an account for acts which were publicly known fifteen years ago. If there was any criminality in my receiving the amount of my expenses from the Nawab, it was sufficient to have induced my superiors to have recalled me at the time when they first knew of it. But it was never held up to the world as a heinous offence, till my enemies thought it might be of use to load the scale of criminality.

Reappointments as Governor General.

Denial of the charge of receiving presents.

Time, my Lords, will not permit me to say any more in exculpation of myself from the remainder of the allegations in this part of the Article, nor is it necessary, since no evidence has been given upon them, but I solemnly declare that each allegation is utterly false and without a shadow of foundation. I solemnly declare that I never, directly or indirectly, received a present from Nundcomar, or any other person mentioned in this division of the charge.

Avowed presents.

I must hasten to make my observations on that part of the charge which is called the avowed presents.

My Lords, the Managers of the prosecution against me have here prepared a two-edged sword, for they have endeavoured to show a double share of criminality in this transaction. First, they contend that I took the presents with a corrupt intention, and would have kept them had not my fears urged me to a disclosure; and, secondly, that the receipt of presents, though for the use of the Company, was a breach of an Act of Parliament.

Double charge of corrupt intention and breach of Act of Parliament.

Argument of variation in accounts.

In support of the first conclusion they have nothing but their own suspicions, which they have endeavoured to impress upon the minds of your Lordships, by attempting to show a variation in the several accounts which I have given respecting the time and manner of receiving them. To repel

this mode of attack and to efface the suspicions which they endeavoured to raise, I have the oath of Mr. Larkins, a man of the highest character for truth and honour, whose integrity has been repeatedly acknowledged by Earl Cornwallis, the Board of Control and the court of Directors, and whom I believe to be as rigidly honest a man as any in Europe. That there are variations in the different accounts I admit. Many mistakes I have made, which have struck me with as much astonishment as they could possibly strike any of your Lordships. If there had been any act done by me a few years ago of which I conceived myself warranted to speak with a more perfect recollection than another, it was this, that, before I left Calcutta in July, 1781, I had indorsed the bonds of which your Lordships have heard so much, and had left them with Mr. Larkins to deliver them up to the Council in the event of my death. So desirous was I that the statement of this fact should not rest upon my assertion, that I desired a search might be made at the India House for those bonds, or the copies of them, but none were to be found. I then requested Major Scott to write to Mr. Larkins in my name, and to desire a search to be made for them in Calcutta, and, if found, that they might be publicly transmitted to the Company. They were found; they were sent to the Company in 1789 by Earl Cornwallis, at the express requisition of Mr. Larkins, who states in his letter that he made that requisition at my desire, transmitted to him by Major Scott. But, to my utter surprise, the indorsement of the bonds is not dated till the 29th of May, 1782.

2 June 1791.

Admission of mistakes.

Indorsement of the bonds.

After this fact, my Lords, I am as ready as any man to acknowledge that I have been imprudent, in a degree that merits some of the reflections so illiberally thrown out against me, for having written, as I have too often done, on matters of account in which I have myself been previously concerned, without having a single paper or document of any sort near me at the time I wrote. For I admit it to have been well observed by the Manager who closed the Article of presents, that I not only affirmed I had indorsed the bonds in the middle of 1781, but had assigned a reason for so doing, namely, lest I should die during my absence from Calcutta.*

Imprudence in writing respecting accounts without documents.

* See the speech of Mr. Fox, delivered on the 7th of June, 1790, and printed in the present volume, p. 336.

2 JUNE 1791.

Explanation of assertion of reason for the indorsement.

My Lords, after this I should be almost afraid to hazard a supposition, but, as the bonds were left with Mr. Larkins, as my attorney, and as Mr. Larkins knew from the first that they were not my property, I conclude that I told him in 1781, that, in the event of my decease, he was to deliver them to the Council, which I confounded with the act of having indorsed them. But, my Lords, from all the inaccuracies in the accounts before you I defy any candid man alive to draw this conclusion, that I intended for a moment to apply this money, or a rupee of it, to my own use.

My Lords, you cannot suspect me of a fraudulent intention without looking upon me as the weakest, or upon Mr. Larkins as the most perjured, of mankind. Had my construction of the purpose intended by the indorsement of the bonds been invented for the purpose of deception, I should have stopped when I had assigned it. Instead of this I sought, and with a diligence which it is not likely that I should have employed to detect myself in a falsehood, first for authentic copies of the indorsed bonds at the India House, and afterwards for the originals in Calcutta. These, being found, proved that I had erred in my account of the transaction, but they also demonstratively proved that I had given that account believing it to be true, and, presumptively, that my intentions and consequent instructions to Mr. Larkins were that the bonds, in the event of my death, should be cancelled by him. Time will not allow me to enter into a detail of the various circumstances, and to give my reasons for accepting the presents, further than to repeat, what I have often declared—that the necessities of the Company's service made me joyfully snatch at every just means of relieving them. The Managers have totally failed in their endeavours to show any corrupt act done by me in favour of the persons from whom these presents were received. The lands of Nuddea, Dinagepore and Behar, were let to the best possible advantage, and every means taken to realise those revenues.

Necessities of the Company.

No corrupt service done for the persons making the presents.

My Lords, it will depend upon your Lordships to give me what degree of credit you please. Whether I intended, for a moment, to apply any one of the sums received by me to my own use, is a point which can be known only to God and my own conscience. I can solemnly and with a pure conscience affirm that I never did harbour such a thought for an instant. And permit me to add, my Lords, that I was too intent upon the means to be employed for preserving

Disavowal of consideration of private interest.

India to Great Britain, from the hour in which I was informed that France meant to strain every nerve to dispute that empire with us, to bestow a thought upon myself or my own private fortune. 2 June 1791.

With respect to my having violated an Act of Parliament, I do by no means admit that I have done it. That depends, not upon what I have done, but upon what your Lordships may do—that is, upon what construction your Lordships may put upon the disputed clause. I can only say that I interpreted it to the best of my judgment; and, if I have erred, I have done so in common with many others. No person ever suggested to me that the Act of Parliament deprived the Company of the right of receiving the customary presents, till I heard that interpretation from some members of the House of Commons. My Lords, I should think it impossible for your Lordships to fix any criminality upon incurable ignorance. I say incurable, for though your Lordships should punish me in the severest manner for this mistake, the example can be of no use to the present generation, or to posterity, for you can never give a common understanding the powers of diving into the latent meaning of an obscure clause in an Act of Parliament, a clause of which its real but latent meaning is at variance with its grammatical construction. But a criminality of this nature must depend as well upon the understanding of the judges as of the party accused; for it is possible that his interpretation may be right and their's wrong.

Violation of Act of Parliament.

Customary presents not prohibited.

Plea of error in interpreting the statute.

But, my Lords, I have two observations to make, either of which alone would be a full answer to the point of criminality. First, that there can be no criminality in unavoidable error; for, though it is a maxim in law that ignorance is no excuse, it goes upon this supposition, that information was possible, which in my case it was not. Secondly, that *communis error facit jus;* for everybody that I had occasion to converse or correspond with seemed to understand the clause in the same light as I did. I must here conclude my comment upon this Article, with again declaring the purity of my intentions; that I accepted the presents for the good of my employers; and that I employed them in their service, at a time when the government of India was distressed beyond the power of description.

Purity of intentions.

My Lords, the fourth Article is that of contracts and allowances. It comprehends, in a government of thirteen years, five different heads. The first is, that I gave Mr. Sullivan a con-

2 June 1791. Contracts and allowances. Opium contract given to Mr. Sullivan.

tract for opium which proved very lucrative to him, and that I gave it without putting it up to the lowest bidder. The facts are true, and it is incumbent upon me to explain every circumstance in the transaction. It was I myself that created that source of revenue for the Company, and they derived much advantage from it—above half a million sterling, in my government. The value of the opium contract was first ascertained by auction, and we accepted the proposals of Mr. Griffith and Mr. Wilton, who were the lowest of thirteen bidders. We gave it to them a second year; and in 1777 this contract was given to a friend of Mr. Francis, to a Mr. Mackenzie, who held it three years upon the former terms, and it was then given to him for one year longer. It was next given to Mr. Sullivan, who, it seems, sold the contract at a very advanced rate to Mr. Benn, who afterwards sold it to Mr. Young, but of this sale I was utterly ignorant until after my arrival in England; and Mr. Sullivan was, during the whole period of his contract, the person responsible to the East India Company. My Lords, it was impossible for me to know the exact price of opium in the provinces; and it now appears upon evidence that it was purchased by the second contractors much cheaper than ever it had been by the Patna Council, when they enjoyed it as a perquisite.

Origination of the source of revenue.

Circumstances of the grant.

The contract not put to auction.

The only question that can be asked here is—why was not the contract put up to auction, according to the Company's order? To this, my Lords, I answer, that opium was of that nature, and so liable to frauds and adulteration, that it was detrimental to the interests of the Company to give a contract upon such low terms as to drive the contractor to the necessity of debasing its quality, to preserve himself from loss. It was absolutely necessary in such a case, as it was in many others, to have a man of credit, honour and property, upon whom we could rely for the faithful and just performance of his engagement.

Temptation to adulterate the drug.

Youth of Mr. Sullivan.

My Lords, it was objected that Mr. Sullivan was too young and inexperienced for such an employment. But those who made the objection did not advert to this consideration, that the same objection would lie against Mr. Mackenzie, and it would operate against the appointment of every member of Council who had of late been sent to India. Surely inexperience in the growth and manufacture of opium and inexperience in the modes and forms of government are exposed to hazards of very different magnitude and consequence!

An objection has been raised against Mr. Sullivan on account of his being called my assistant. By assistant it was not meant colleague in office, or participant in power, but a more respectable name for a secretary or writer. 2 June 1791. Mr. Sullivan his assistant.

The next head is, the army cattle contract. Upon this I am charged with corruption and waste in the rates, and excess in the increased numbers of the cattle. The corruption, I conclude, alludes to some inordinate profit in it. To this I answer, that the profit was solemnly attested by Mr. Ferguson, offering to confirm it by oath, that fifteen *per cent. per annum* was the extent of the profit during the war, and that profit still liable to outstanding debts. This, so far from being an exorbitant profit, amounted to no more than a reasonable agency. Army cattle contract. Profit less than asserted.

But I should first have answered the charge of breach of orders, in not putting the contract up to auction and accepting the lowest bidder. The army contract had for many successive years been put up to annual sale, until it had been beaten down to rates unequal to the service. This came in proof before me. For, when the war was spreading, the contractor threw himself upon our equity, and declared he could not perform the service upon the terms he had undertaken. The terms, in consequence of that representation, were revised and amended, the Board having, in the year 1778, granted additional allowances because the former were insufficient. How was it possible to advertise for the lowest bidder, while we were rejecting the lowest bidder and admitting the expediency of raising his terms? The thing required by the Company was impracticable. Reason for not putting it to auction.

As to the extravagance of the rates, these had been formed with the advice of the best informed and most experienced officers. This point was also brought in proof before me; for, when General Goddard's army was to march across India, they had scarcely quitted our provinces when the contractor proved himself once more obliged to throw himself upon the justice of the Board, notwithstanding the raised rates which he found inadequate to the service. He therefore prayed that some other might do the service; and his prayer was granted. Asserted extravagance of rates.

The excess of numbers is next to be considered: 6,700 were appointed for an army of 35,000 men. No detachment marched that did not require a much larger proportion than these numbers bore to the whole army. The army now in the field, of 18,000 men, has 23,000 head of cattle. Excess of numbers of bullocks.

2 JUNE 1791. A detachment of 2,500 men marched from Bombay; they had 19,000 head. In short, no army ever moved that did not prove the numbers fixed in the new contract to be too small instead of too great; provided I am right in my opinion, which is, that the army in Bengal and in Oude should at all times be in readiness for actual service.

Extra allowances to Sir Eyre Coote.

The next criminal point imputed to me is that of granting extraordinary allowances to Sir Eyre Coote, and continuing them to him after the court of Directors had prohibited those allowances. My Lords, the Company allowed the Commander-in-Chief, being in Council, 6,000*l.* a year, for his separate trust. Sir John Clavering thought it insufficient, and remonstrated, but without success. The probable consequence of his failure was, that he never visited the distant stations of the army, nor took the field in person whilst in India. Sir Eyre Coote, on the contrary, early declared his intentions to visit the several stations of the army, and the Board fixed certain allowances which he was to receive while absent from Calcutta. He reviewed the army in Oude, and the Board thought it reasonable that, while Sir Eyre Coote was in the Wazir's dominions, these extra allowances should be defrayed by the Wazir, who readily consented to pay them. This, my Lords, was not any breach of the treaty; for the treaty mentioned in this Article as having been violated was the treaty of Lucknow, concluded in 1775, by which the Nawab was to pay two lacs 60,000 rupees a month for a specific number of troops; but, since that period, an additional number of troops had been stationed in his own dominions, at his own express requisition, for which he paid an additional but indefinite sum annually. The Nawab had so high a sense of Sir Eyre Coote's merits and services, that, instead of objecting to the proposed allowance, he expressed a wish that it was double that amount; he, doubtless, never lost sight, in the General's absence, of his being engaged as much in the defence of his provinces as of those of the Company; and it was upon that principle that he was so forward to continue Sir Eyre Coote's allowances whilst on the coast.

Insufficiency of usual allowance to Commander-in-Chief.

Allowance made by the Wazir, on occasion of his visiting the upper provinces.

Double bhata allowed.

It is always the custom for all the Company's military servants to draw double bhata, or extra allowances, when out of the Company's provinces; and it would be strange indeed that the Commander-in-Chief should be the only exception. When Sir Eyre Coote quitted the upper provinces and went on service to the coast, the same allowances

were continued to him by the Company; for it was unreasonable that he should take the field upon the allowances which his predecessor enjoyed for staying in Calcutta. I so well knew the value of Sir Eyre Coote's presence on the coast, at the time when the army was defeated and dispirited, that there is hardly anything he could have asked which I should not have given him. 2 June 1791.

Higher allowance to General Stibbert while in cantonments.

My Lords, I must also pray you to advert to the circumstance of General Stibbert, who was an inferior officer, having an allowance of above 80,000 rupees a year, while General Coote was restricted to 60,000. Could it be expected that he should have been satisfied with that degrading difference, at the same time that he was upon actual service and liable to many additional expenses, while General Stibbert was at ease in cantonments or garrison? It was impossible for Sir Eyre Coote's allowance, as settled at home, to be sufficient in the field, if the same sum was not too much for General Clavering in Calcutta, or if a greater sum was not too large for General Stibbert in cantonments.

Importance of Sir Eyre Coote's services.

But, my Lords, it was not a time to cavil with Sir Eyre Coote about field allowances. I never was more convinced of the truth of any hypothesis than of this, namely, that if Sir Eyre Coote had resigned in disgust—which he might have done—the Carnatic would have been infallibly lost to this country for ever. I can only say, in addition, that I had no sinister view or motive in what I did, and I should think it my duty to act the same part over again, in like circumstances. Nay, I would have abridged my own allowances to have increased his, if he could have received them, rather than have suffered him to resign in disgust, or to have quitted the army in discontent.

Purity of motives.

Mr. Auriol's agency.

My Lords, in accounting for the agency given to Mr. Auriol, it will be necessary for a moment again to call your attention to the very alarming and distressed state of our possessions in the Carnatic. Hyder Ali, victorious in the field with his numerous army, which had cut off a large detachment of our troops and driven the main body back with considerable loss to Madras, was laying siege to Arcot, which inevitably fell, soon after, for want of succours. His numerous followers were desolating and laying waste the whole face of the country, by burning the villages and destroying the cultivation, up to the very walls of Madras. In this desperate situation, did the President and Council

Alarming situation of the Carnatic.

2 June 1791. write to us for every possible aid of troops, money and provisions. Sir Eyre Coote, with a reinforcement of Europeans and treasure, by the celerity of his departure and arrival, though in the worst season of the year, gave a fortunate turn to the state of our affairs on the coast. We, at the same time, entered into a contract to send them the quantity of rice which they had applied for. But this was soon exhausted; they applied for more; and Mr. Auriol, our secretary, delivered in proposals to send it on the same terms as the last contract. I then foresaw that the Presidency of Madras, as well as the army, must depend entirely for their subsistence and support upon Bengal. Another contract would have been but a feeble resource. The exports of individuals could never be relied upon for so great and serious an object. My Lords, contracts might have failed; one contract, and one only, was entered into during the service of the agency, and that did fail. The contractor prayed to be released from a great part of his contract, and was released; although the rate of his contract was higher than the average price of all the agent's supplies, with his commission included.

Application of the Madras Presidency in rice.

Failure of contracts.

Nay, contracts must have failed for want of resources in the treasury to fulfil the stipulations for the public. The agent employed his own credit. The French fleet was, for near two whole seasons, in complete and undisturbed possession of the Bay of Bengal, ours being in harbour at Bombay. Insurance was not always to be procured; and individuals would not trust their property, but in the hopes of large profits to compensate for their risks. My Lords, the public had so great a stake to save, that it answered to them to send rice at all risks; and the event has proved that it answered well, as the agent, though his commission was liberal, supplied the settlement of Madras with rice both better in quality and twenty *per cent.* cheaper than the former contract. He supplied them with it at one half the price at which individuals, landing it there, were compelled by the government of Madras to sell it to them in exchange for bills upon Bengal. And the average rate of all his supplies, with commission included, was less than the rates of ten out of eleven proposals received for the contract after the agency was abolished, and as low as the very lowest proposal.

Risks of conveyance.

The rice supplied cheaper than by contract.

Rate of commission.

The commission, I admit, was liberal; though not more than had been usual for the offices of supply at Bengal. It was originally fifteen, never twenty-five, *per cent.*, as erro-

neously stated by the Manager who summed up the charges, but afterwards considerably reduced, and there were many charges to be defrayed out of it. My Lords, I submit that an agency was the only effectual mode of insuring a constant and efficient supply for this important service; and I maintain it has proved to be the most frugal mode to the Company. 2 June 1791

Integrity of Mr. Auriol.

The confidence which the Board had in Mr. Auriol's diligence and integrity, confirmed by many years' experience of his conduct, pointed him out as a proper person for this service, and he was accepted. The mode of delivering accounts upon honour was not a new mode in the Company's service, and it is practised at the present moment in Bengal, nor was it by any means intended to preclude the examination of vouchers, where vouchers were required or could be produced, but meant to strengthen the obligation of the party accounting, where vouchers either could not be had, or were so numerous as to make it almost impracticable to examine them with the accounts. I understand that vouchers never were refused by the agent. But, as so much has been said upon this subject, I hope I may be permitted to remark, without any imputed disrespect to your Lordships—whose honour no man can more highly revere than I do—that I think it is impossible you can conceive the term has been prostituted or misapplied on these occasions. Every merchant depends on the honour, credit, good faith or honesty—call it what you will—of his reputed dealings; and, were this dependance banished from the community, I fear we should have very little security for any transactions in our intercourse with mankind.

Accounting upon honour not a new practice.

Vouchers not precluded.

General practice of credit in business.

Agency to Mr. Belli.

My Lords, I am accused of granting an agency to Mr. Belli, who is stated to be one of my own dependants, with a wasteful and improvident commission. It will be found that this business did not originate with me. The necessity for laying up a depôt of provisions and stores in the garrison of Fort William, that we might be prepared for a siege, was, as I recollect, strongly urged both by General Clavering and Mr. Francis; and a degree of neglect was imputed to me for not having provided against such an emergency. The measure was afterwards, on a minute which I delivered, considered in Council; and, upon the resolution of the Board that such a depôt should be formed, the opinion of merchants was required upon the *quantum* of commission adequate to an agent for his trouble, charges, and loss by wastage and decay, in keeping up the store from year to year in constant good condition. The merchants declared that twenty *per cent.*

Originated with General Clavering and Mr. Francis.

2 June 1791.

Previous losses on resales of stores.

was the least compensation that could be allowed. I proposed Mr. Belli for the agency; and, upon examining the accounts of a former service of this kind, executed in the government of my predecessor, Mr. Cartier, which were called for to assist us in our determination, I found that the Company had sustained a real loss upon the resale of those stores, at the end of two years, of ninety *per cent.* No agent would undertake a service by which he was to be a loser. His profits ought to be proportioned to the nature and importance of the thing required. He might be a loser by accepting the least possible commission; or—which is worse—the failure of his duty might be dangerous to the safety of our possessions.

Commission of 30 per cent. justified.

I trust your Lordships will not think the commission of thirty *per cent. per annum* which I proposed for the agent, to answer all charges and losses by wastage and decay in the changing of stores from time to time, as they required it, was an immoderate allowance for the due performance of so important a duty. That I was not improvident in granting it, will appear from Mr. Belli's own accounts, delivered in evidence to your Lordships. There has been some doubt thrown upon them by the Manager who summed up this charge, but Mr. Belli is in England and can verify them. I shall close this subject with remarking, that, since my return to England, both the court of Directors and my successor in government have expressed their strongest approbation of his integrity in this business.

Reference to Mr. Belli's accounts.

Asserted cruelties of Deby Sing in Dinagepore.

My Lords, I will not detain your Lordships by adverting for any length to the story, told by the Manager who opened the general charge, relative to the horrid cruelties practised on the natives of Dhee Jumla by Deby Sing.* It will be sufficient to say that the Manager never ventured to introduce this story in the form of a charge, though pressed and urged to do so in the strongest possible terms, both in and out of Parliament.

Letter of Mr. Paterson, exculpating Mr. Hastings.

Mr. Paterson, on whose authority he relied for the truth of his assertions, and with whom he said he wished to go down to posterity, has had the generosity to write to my attorney in Calcutta, for my information, that he felt the sincerest concern to find his reports turned to my disadvantage, as I had acted as might be expected from a man of humanity, throughout all the transactions in which Deby Sing was concerned. Had the cruelties which the Manager stated

* See the Speech of Mr. Burke in opening the prosecution, vol. i. p. 136.

really been inflicted, it was not possible, as he very well knew at the time, to impute them even by any kind of forced construction to me. My Lords, it is a fact that I was the first person to give Mr. Paterson an ill opinion of Deby Sing, whose conduct upon former occasions had left an unfavourable and, perhaps, an unjust impression upon my mind. In employing Deby Sing, I certainly yielded up my opinion to that of Mr. Anderson and Mr. Shore, who had better opportunities of knowing him than I could have. In the course of the inquiry into his conduct, he received neither favour nor countenance from me, nor from any member of the Board. That inquiry was carried on principally when I was at Lucknow, and was not completed during my government, though it was commenced and continued with every possible solemnity, and with the sincerest desire, on my part and on the part of my colleagues, to do strict and impartial justice. The result I have read in England; and it certainly appears, that, though the man was not entirely innocent, the extent of his guilt bore no sort of proportion to the magnitude of the charges against him. In particular, it proved that the most horrible of those horrible acts, so artfully detailed and with such effect in this place, never were committed at all. Here I leave the subject, convinced that every one of your Lordships must feel for the unparalleled injustice that was done to me by the introduction and propagation of that atrocious calumny.

2 June 1790.

Deby Sing employed on Mr. Anderson and Mr. Shore's recommendations.

The inquiry not completed during Mr. Hastings' government.

Exaggeration of charges against Deby Sing.

My Lords, I will not now detain your Lordships by offering many remarks upon the gross injustice that I also sustained, in having been compelled to appear at your Lordships' bar to justify acts which have received the repeated approbation of the King's Ministers and, virtually, of the late House of Commons. My Lords, it is perfectly true that the Articles to which I allude are not insisted upon, or, in other words, that they are abandoned. But I feel the injury most sensibly, and the expense of defending myself against them has been intolerable.

Approbation of Ministers and House of Commons.

The King's Ministers, as members of Parliament, voted to impeach me for accepting a delegation to Oude, and for forming an arrangement with the Nawab Wazir which subsists at the present moment.*

Reference to votes of Ministers in the House of Commons.

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* Mr. Hastings was at this point interrupted by Mr. Fox, and the following discussion ensued :—

Mr. Fox.—My Lords, I am sure I should be very unwilling to do any thing to interrupt a person in the situation of the defendant, but I am sure your

2 JUNE 1791.

Visit to Oude and arrangements with the Nawab Wazir.

Charge of ruining the natives of Bengal.

I say, my Lords, in four separate letters the King's Ministers approved of what I had done, though they voted to impeach me for doing it. They ordered my arrangements to be invariably adhered to; they approved, as they declared themselves, of the principles upon which it was formed, and the Minister for India has taken credit every year for the subsidy procured by that arrangement, which is paid monthly, with the punctuality of a Bank dividend. They voted also to impeach me for having ruined, oppressed and destroyed, the natives of Bengal, although in the first stage of the business they opposed the revenue Article, which contains

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Lordships will think that you cannot, with any great propriety, hear how any individual Member of Parliament voted in the House of Commons.

Lord Kenyon.—The person accused at the bar will certainly meet the wishes of this House, and of the Managers also, in replying to the allegations that have been opened against him, by avoiding, if he can, the use of names; though it is certainly competent to him, if he thinks it for his advantage, to point out any inconsistency or injustice in the conduct of his prosecutors.

Mr. Hastings.—My Lords, I beseech you to recollect the very great tenderness I have used, when I have been speaking of the most atrocious actions that have been committed against me. It is not my intention to accuse any body; but if any fact which is absolutely necessary to my defence shall necessarily involve the crimination of others—I do not mean to criminate them—but the consequence is inevitable; it is not my fault.

Mr. Fox.—I beg your Lordships' pardon. I do not know whether I have made myself sufficiently understood in the nature of my objection. I do not object to any language the prisoner may use in his situation, but he was stating that the King's Ministers had so voted in the House of Commons. Now, as that is a fact that he cannot bring any evidence of, and consequently it will be impossible for us to observe upon in reply, your Lordships would not wish to hear how any Member of Parliament had voted in the House of Commons, of which you could have no cognizance whatever.

Mr. Hastings.—My Lords, may I, without disrespect to the Managers, say that I only use a licence for which I have their example. They have on many occasions quoted the orders and resolutions of the House of Commons.

Lord Kenyon.—The resolutions of the House of Commons; but not the conduct of this or that particular Member.

Mr. Hastings.—And I never interrupted, nor did my Counsel ever interrupt, them, when they were making long speeches against me.

Mr. Burke.—My Lords, we must beg leave to say—

Mr. Hastings.—My Lords, I throw myself upon your Lordships' protection. I beseech you to protect me from this violence.

Mr. Burke.—I must say for the Managers that we offer no violence.

Lord Kenyon.—If the prisoner was guilty of any impropriety, and from the admonition given him corrects himself, perhaps it is better.

Mr. Hastings.—I lie under a great disadvantage. If what I have said is wrong, punish me for it; but I beseech you, do not let me be interrupted. I cannot speak from the sudden impulse of my own mind. I am not accustomed to it. I have written down what I wish to submit to your Lordships, and I call God to witness that I did it with as strong an impression of the respect and reverence due to this honourable Court, and of the decorum that is due to the House of Commons, as is possible to conceive.

Lords.—Go on! go on!

these allegations, and although the falsehood of the charge must be apparent to every man who is not prepared to prove that the Minister for India has annually presented false accounts to the House of Commons. Both cannot be true. 2 JUNE 1791.

In the few words that I had the honour to address your Lordships on Monday, I assured you that I should never make a defence for my conduct on the plea of necessity, although the Managers for the Commons have taken so much pains to refute that plea. According to my construction of the law, it was not criminal to receive presents, with a solemn determination in my own mind to appropriate every rupee so received to the public service. And to that public service was every rupee applied with the utmost fidelity. Intention of paying the presents received to the public service.

I thought it perfectly consistent with justice to levy a fine of forty or fifty lacs of rupees from Cheyt Sing for his contumacy. I conceived it strictly justifiable, upon the information that I had received of the Begum's disaffection, to consent to the resumption of her jagirs and of the treasure in her possession. That I had information of her disaffection before me is clearly in evidence, and if I could have been favoured with a few days' attention in this place, I could have established that fact by irresistible proof. The Begum's disaffection.

But, my Lords, does it cease to be material to establish the necessity, or is it to be said that the necessity did not exist at all, because I am of opinion that I broke no law in accepting presents, and did not degrade my own character or the British name by my conduct to Cheyt Sing or the Begum? My opinion of our necessities may be collected from the following passage in my Narrative of the Insurrection in Benares:— The Company's necessities.

"I left Calcutta impressed with the belief that extraordinary means were necessary, and those exerted with a strong hand, to preserve the Company's interests from sinking under the accumulated weight that oppressed them. I saw a political necessity for curbing the overgrown power of a great member of their dominion, and making it contribute to the relief of their pressing exigencies: if I erred, my error was prompted by an excess of zeal for their interest, operating with too strong a bias upon my judgment."*

Of what nature these necessities were I will now state, and I believe the proofs of them were upon the table of the House of Commons when those necessities were denied to Explanation of the Company's difficulties.

* Mr. Hastings' Narrative of the Insurrection in Benares; p. 12.

2 JUNE 1791.

have had existence and when my impeachment was voted. I left Calcutta in July, and signed the treaty of Chunar on the 18th of September, 1781. We had at that period borrowed as much money upon bonds as we could borrow, for the bonds bore a considerable discount. Every letter received from Madras between November, 1780, and September, 1781, contained the most pressing applications for money and provisions. These letters are upon record, although not before your Lordships. And I am in possession of private letters written to me by the Governor of Madras in that period, in duplicate and triplicate, most earnestly pressing me to save them from sinking, by sending them ample supplies of money and provisions.

Applications from Madras.

Sir Eyre Coote depended upon me for seven lacs of rupees a month for the pay of the armies in the Carnatic. The most pressing applications for money were received from Bombay, and from General Goddard, who commanded the army in Guzerat; and very heavy bills were drawn upon the government of Bengal in the first months of the year, 1781. The troops in Oude and in Bengal were many months in arrear. Colonel Muir's army in the province of Malwa, and Major Popham's at Benares, were also considerably in arrears. A French fleet had appeared off Fort St. George in February, 1781, was expected to return in the ensuing season, and did actually come upon the coast of Coromandel in April, 1782.

Armies in the Carnatic.

Applications from Bombay.

Troops in Oude.

French fleet off Fort St. George.

Sir John Macpherson, who landed in Calcutta in October, 1781, has truly described our situation at that moment—an empty treasury, and every resource for raising money so completely exhausted that it was with the utmost difficulty that the Governor could raise a loan for a remittance of eight or ten lacs, which he had solemnly pledged himself to make to Sir Eyre Coote, whom he had left at Madras in September, in the greatest distress for money. It is in evidence that Colonel Muir, after the separate peace which I concluded with Madaji Scindia, could not recross the Jumna until he received a supply from Fyzabad, in February, 1782. The fact, my Lords, is known and acknowledged by every man who served during the late war in India, that our possessions there were preserved only by the extraordinary resources procured by me, in consequence of the treaty of Chunar.

Difficulty of raising a loan for a remittance to Sir Eyre Coote.

Distress of Colonel Muir.

Such was the distress of the troops in Oude and in the Mahratta country, that the officers sold their plate for the

temporary relief of their sepoys—as they did also upon the coast. But if, with the sum of 138 lacs of rupees which I procured in Oude, from September, 1781, to September, 1782, and a very large sum received in the next year, we found it difficult to maintain our armies, what must have been the consequence had I not formed such a beneficial arrangement with the Nawab Wazir? And your Lordships will believe that I felt the full force of our situation when I concluded the treaty of Chunar. I had not then—I have not now—the smallest doubt that the Begum had afforded military assistance to Cheyt Sing. Circumstances have been brought to my recollection since the trial commenced which had escaped me before, and these are confirmed to me by evidence which I am sure your Lordships would deem decisive upon the subject, had I been allowed a few days to lay it before you.

2 JUNE 1791.

138 lacs procured from Oude.

Assistance from the Begum to Cheyt Sing.

My Lords, you are now better able to judge of the difficulties which I had to encounter in the last war than I did suppose it within possibility for your Lordships to be, when this trial commenced. Your Lordships will feel for the wants under which I laboured, when I had to contend, at one time, with all the powers of India combined with the French and the Dutch, because your Lordships have proofs before you, in the council chamber of Parliament, that the resources of India are now utterly inadequate to the support of a war against one native power who is unassisted by any European ally. We are in alliance with all the Mahratta chiefs and with the subahdar of the Deccan, who were in the former war confederated against us. The government of Bengal, when this war commenced, was free from foreign and domestic embarrassments. The Nawab Wazir had completely liquidated his debt, and his subsidy was paid with the utmost punctuality. Benares afforded the full revenue which I am impeached for having procured. The salt, the opium, and the land revenues of Bengal, added to the subsidy from Oude and the Benares collections, produced annually to the Company near 5,400,000*l.* But, my Lords, so inadequate have these resources proved, with the addition of the revenues of Fort St. George and Bombay, that, since the commencement of the present war, a very considerable sum in specie has been transmitted from England to India; money has been borrowed, to the utmost extent of the Company's credit, at Bengal, Fort St. George and Bombay, at a high interest; and Hyder Beg Khan, of whom your Lordships

Difficulty of finding resources.

Failure of means to meet expenses of the present war.

June 1791. have heard so often, has assisted Lord Cornwallis with a loan of twenty-two lacs of rupees. I mention these circumstances to your Lordships to prove that the resources of India cannot, n time of war, meet the expenses of India.

Impossibility of raising money by loan.

Your Lordships know that I could not, and Lord Cornwallis cannot do, what every minister in England has done since the revolution—I could not borrow, to the utmost extent of my wants, during the late war, and tax posterity to pay the interest of my loans. The resources to be obtained by loans—those excepted for which bills upon the Company were granted—failed early in my administration, and will fail much earlier in Lord Cornwallis';—not from want of any confidence in that noble Lord, but because the surplus resources of Bengal have not been employed in liquidating the debt contracted in Bengal during the late war.

Allow me to call again to your Lordships' recollection the many and unprecedented difficulties with which I had to contend, during the late war in India. Every measure of my administration was calculated to relieve the public exigencies. Nor can any man in England point out other means than those which I employed by which the public necessities could have been relieved. Yet I have been four years impeached before your Lordships for the several acts by which I preserved, what the India Minister has called, the brightest jewel in the British crown.

Apology for omissions in the Defence.

I have now gone through the examination both of the general and specific crimes which have been laid to my charge. I have endeavoured to develope the great and commanding points of every distinct article, from those which are either immaterial in themselves, or which depended for their rectitude or criminality on the former. In this work I have, in effect, undertaken to reduce the compiled mass of seven folio volumes into the compass of a few pages—a labour requiring months of leisure to execute it as it ought to be, and a length of time proportioned, not to the extent of the work, but to the degree of its abbreviation. I have urged all that in this view of the subject was, in my judgment and recollection, necessary to the elucidation of it; but it is hardly possible that something may not have been omitted which would have rendered it more complete, something, the want of which may yet leave doubts on your Lordships' minds respecting parts of my conduct, detached from the general tenour of it. For this and for other deficiencies in this address I have to beg your Lordships' candour;

and to plead the disadvantage of the restricted and inadequate time, and the infirm state of body under which I have arranged it.

Observations on the impeachment.

I most reluctantly press upon your Lordships' time, and shall hasten to conclude with a few general observations upon the nature of this impeachment, as it relates to those principles which constitute the moral qualities and characters of all mankind.

Testimony in his favour from inhabitants of India.

If the tenour of a man's life has been invariably marked with a disposition to guilt, it will be a strong presumption against him, in any alleged instance, that he was guilty. If, on the contrary, the whole tenour of a man's life was such as to have obtained for him the universal good will of all with whom he had any intercourse in the interested concerns of life, the presumption will be as well grounded that he was innocent of any particular wrong imputed to him, especially if those who are the alleged sufferers by that wrong make no complaint against him. But what shall be said of complaints brought against a man who was in trust for the interests of the greatest commercial body in the world—who employed and directed the services of thousands of his fellow citizens in great official departments, and in extensive military operations—who connected princes and states by alliances with his parent kingdom—and on whose rule the peace and happiness of many millions depended—I say, what shall be said of complaints brought against such a man, in the names and on the behalf of all those descriptions of men who all unite their suffrages in his favour? Such complaints, with such a presumption against the possibility of their truth, may have existed, but the history of mankind cannot produce an instance of their being received on such a foundation, until the late and present House of Commons thought fit to create one in my impeachment. Permit me, my Lords, to retrace the principal events in the public life of that man whom the Commons have thus brought, and so long kept, on trial before you.

Knowledge of affairs derived from the Company's service.

In the year 1750, I entered the service of the East India Company; and from that service I have derived all my official habits, all the knowledge which I possess, and all the principles which were to regulate my conduct in it. If those principles were wrong, or if in the observance of them I have erred, great allowance ought to be made for human infirmity, where I possessed such inadequate means of obtaining a better guidance. Yet the precautions which I inva-

Fulness of communica-

2 June 1791.

tions to the Directors.

riably used render even this plea unnecessary, by the references which I made to the court of Directors, my immediate masters, of every measure which I have undertaken, with its motives and objects minutely detailed and explained. For the truth of this assertion I might safely appeal to them, and I am sure that they would attest it. And the volumes both of consultations and letters in their possession prove that my share of the compilation exceeds, beyond all degree of comparison, that of the most laborious of all my predecessors, not excepting even my ever honoured friend, Mr. Henry Vansittart. Nor was it to them only that I was thus communicative. When Great Britain was involved in a complicated war, and her governments in India had, besides European enemies, a confederacy of all the principal powers of India armed against them, I gave the then Minister of this kingdom constant information of all the measures which I had taken, in conjunction with my colleagues in the government, to repel the dangers which pressed us, the motive and objects of those measures, the consequences expected from them, and the measures which I had further in contemplation. And it has since afforded me more than common pleasure to reflect, that every successive letter verified the expectations and the promises of the preceding.

Reports to Lord North.

If I had given evidence in my defence, I should have called upon the noble Lord to have produced all my letters in his possession—those, and my letters to the court of Directors. But my letters to Lord North, in a most striking manner, would have shown how careful I was to expose all my actions to their knowledge; and, consequently, how little apprehension I could have felt that there was anything in them that could be deemed reprehensible. In all instances which might have been deemed of a doubtful nature, these communications were virtual references for their sanction or for their future prohibition. If I received neither, their silence was a confirmation, and had more than the effect of an order; since, with their tacit approbation of them, I had imposed upon myself the prior obligation of my own conception of their propriety. Were I therefore for a moment to suppose that the acts with which I am charged and which I so communicated—for I communicated all—to the court of Directors, were intrinsically wrong, yet from such proofs it is evident that I thought them right; and therefore the worst that could be said of them, as they could

Implied approval of his measures by the Minister or the Directors.

affect me, is, that they were errors of judgment. And even for these, in all instances where they were repeated, or became the causes of subsequent acts deriving the same quality from them, the error, and every blame which would attach to them, was theirs who might have corrected them and did not. 2 June 1791.

In the year 1768, I was appointed by the court of Directors of the East India Company a member of the Council, and, eventually, to succeed to the government of Madras. In the year 1771, when the affairs of their principal establishment were supposed to be on the decline and to require an unusual exertion of abilities and integrity to retrieve them, the court of Directors made choice of me for that trust; and I was by their order removed from the Council of Fort St. George to the government of Fort William, in Bengal, and to the principal direction of all the civil, military, commercial and political affairs, dependent on it. His successive appointments.

In the year 1773, I was appointed by an Act of Parliament Governor General of Bengal, for five years. In the year 1778, I was reappointed by the same authority, for one year; in 1779, for another; in 1781, for ten years; and in 1784, I was virtually confirmed by that Act which forms the present government for India. Successive appointments as Governor General by Parliament.

In this long period of thirteen years, and under so many successive appointments, I beg leave to call to the recollection of your Lordships, that, while Great Britain lost one half of its empire and doubled its public debt, that government over which I presided was not only preserved entire but increased in population, wealth, agriculture and commerce; and, although your Lordships have been told by the House of Commons that my measures have disgraced and degraded the British character in India, I appeal to the general sense of mankind to confirm what I am now going to say—that the British name and character never stood higher or were more respected in India than when I left it. Success of his administration.

So much may I say for the general effect of my government; for the specific acts which have contributed to produce it, it would require volumes to recite them. Permit me, shortly, to enumerate the principal heads which comprehend them. Specific acts of his government.

Every division of official business and every department of government which now exists in Bengal, with only such exceptions as have been occasioned by the changes of authority enacted from home, are of my formation. Division of business.

2 June 1791.

Revenue establishments and courts of law. Government of Benares. Defence of Oude.

The establishment formed for the administration of the revenue—the institution of the courts of civil and criminal justice in the province of Bengal and its immediate dependencies—the form of government established for the province of Benares, with all its dependent branches of revenue, commerce, judicature and military defence—the arrangements created for the defence and subsidy of the province of Oude—every other political connection and alliance of the government of Bengal—were created by me and subsist unchanged, or, if changed, changed only—to use the words of my noble and virtuous successor, applied to the principles of my arrangements for the province of Oude—"with a view to strengthen their principles and render them permanent."

Revenues from opium and salt.

Two great sources of revenue, opium and salt, were of my creation. The first, which I am accused for not having made more productive, amounts at this time yearly to the net income of 120,000*l.* The last—and all my colleagues in the Council refused to share with me in the responsibility attendant upon a new system—to the yearly net income of above 800,000*l.*

Prosperity of the provinces.

To sum up all—I maintained the provinces of my immediate administration in a state of peace, plenty and security, when every other member of the British empire was involved in external wars or civil tumult.

Prevention of famine.

In a dreadful season of famine, which visited all the neighbouring states of India during three successive years, I repressed it in its first approach to the countries of the British dominion, and by timely and continued regulations prevented its return—an act little known in England, because it wanted the positive effects which alone could give it a visible communication, but proved by the grateful acknowledgments of those who would have been the only sufferers by such a scourge, who, remembering the effects of a former infliction of this dreadful calamity, have made their sense of the obligations which they owe to me for this blessing a very principal subject of many of the testimonials transmitted by the inhabitants of Bengal, Behar and Benares.

Increase of annual revenue.

And, lastly, I raised the collective annual income of the Company's possessions under my administration from three to five millions sterling—not of temporary and forced exaction, but of an easy, continued, and still existing production—the surest evidence of a good government, improving agriculture and increased population.

To the Commons of England, in whose name I am arraigned for desolating the provinces of their dominion in India, I dare to reply, that they are—and their representatives annually persist in telling them so — the most flourishing of all the states in India. It was I who made them so. The valour of others acquired—I enlarged and gave shape and consistency to—the dominion which you hold there. I preserved it. I sent forth its armies with an effectual but an economical hand, through unknown and hostile regions, to the support of your other possessions—to the retrieval of one from degradation and dishonour, and of the other from utter loss and subjection.

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Flourishing condition of the British provinces in India.

I maintained the wars which were of your formation, or of that of others—not of mine. I won one member of the great Indian confederacy from it by an act of seasonable restitution. With another I maintained a secret intercourse, and converted him into a friend. A third I drew off by diversion and negotiation, and employed him as the instrument of peace. When you cried out for peace, and your cries were heard by those who were the objects of it, I resisted this and every other species of counteraction by rising in my demands, and accomplished a peace, and I hope a lasting one, with one great state: and I at least afforded the efficient means by which a peace, if not so durable more seasonable, at least, was accomplished with another. I gave you all; and you have rewarded me with confiscation, disgrace, and a life of impeachment.

Successful negotiations with native princes.

Establishment of peace.

One word more, my Lords, and I have done. It has been the fashion in the course of this trial, sometimes to represent the natives of India as the most virtuous, and, sometimes, as the most profligate of mankind. I attest their virtue, and offer this unanswerable proof of it. When I was arraigned before your Lordships in the name of the Commons of Great Britain, for sacrificing their honour by acts of injustice, oppression, cruelty and rapacity, committed upon the princes, nobles and commonalty, of Hindustan, the natives of India, of all ranks, came forward unsolicited to clear my reputation from the obloquy with which it was loaded. They manifested a generosity of which we have no example in the European world. Their conduct was the effect of their sense of gratitude for the benefits they had received during my administration. My Lords, I wish I had received the same justice from my country!

Gratitude of natives of India.

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The testimonials of the natives of India were sent to the government of Bengal, authenticated by the various official channels through which they passed; by the government of Bengal to the court of Directors, with their translations; and copies of the latter by the court of Directors to the late House of Commons, on whose journals they still remain.

Address from English residents in Calcutta.

To these let me add the address of my fellow-citizens inhabiting the town of Calcutta, presented on the day on which I left them to return to England, and of the British officers in India, written and sent after me many months after I had left it. Authenticated copies of these, too, were read in the House of Commons; and, while I have life, I will gratefully preserve the originals, as the most honourable testimony of a life well spent and of a trust faithfully discharged, because bestowed by those who had the nearest, and, consequently, the surest means of knowing it.

His actions incompatible with the offences charged.

My Lords, I am aware of the promptitude with which my accusers will seize on this exposition of my merits and services, to construe them—to use the phrase which they have already applied to them—a set off against confessed offences. I disclaim and protest against this use of them. If I am guilty of the offences laid to my charge, let me be convicted, and let my punishment be such as those offences shall deserve. No, my Lords, I have troubled you with this long recital, not as an extenuation of the crimes which have been imputed to me, but as an argument of the impossibility of my having committed them.

His previous expectation of immediate judgment.

My Lords, when I solicited your indulgence for this day's hearing, I did it under a belief that there would be ample time in this session for your Lordships to give judgment. Without that belief, I should not have urged the request which I made on Monday last. I assure your Lordships that there is no object on earth so near my heart as that of an immediate determination of this tedious prosecution. I am so confident of my own innocence, and have such perfect reliance upon the honour of your Lordships, that I am not afraid to submit to judgment upon the evidence which has been adduced on the part of the prosecution.

My Lords, it is impossible for me to know the limits of the present session of Parliament; and, under this uncertainty, I can only say, that, if there be sufficient time for your Lordships to come to a final judgment before the prorogation of it, then I most cheerfully and willingly rest the cause

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where it now stands. I am, above all things, desirous that your Lordships should come to an immediate decision upon the evidence before you. But, if the shortness of time should prevent your Lordships from complying with this my earnest desire, and the trial must of necessity, and to my unspeakable sorrow, be prolonged to another session, then, my Lords, I trust you will not consider me, by anything I have said, precluded from adopting such means of defence as my Counsel may judge most advisable for my interest.

Claim to be allowed to adopt other means of defence.

SPEECH OF EDWARD LAW, ESQ., COUNSEL FOR THE DEFENDANT, IN OPENING THE DEFENCE UPON THE SEVERAL ARTICLES OF THE CHARGE; 14 February, 1792.

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Gratification of Mr. Hastings in opening his Defence.

My Lords,—The Defendant, Mr. Hastings, at length, and after an anxious period of more than four years, spent in continued attendances at your bar, in the painful and patient audience of such topics of criminal charge as the honourable Managers have thought fit to urge against him, feels at last, with the most exulting satisfaction, the moment arrive in which it is permitted him to vindicate his name and character, and, with his own, the name and character of the British nation, implicated with his in the matter of this crimination, and equally interested in the issue of it, from the reproach with which they have been so long and industriously loaded.

My Lords, the present moment, as it brings with it this subject of joy, brings also with it this and many other fit subjects of his thankfulness. That his life has been prolonged beyond the extended period of the accusation itself; that a constitution, exhausted and enfeebled by the vicissitudes of climate and the fatigues of incessant occupation, has not sunk under either its violence or its terrors; that the honourable Managers, in the discharge of the trust consigned to them, have contented themselves with pursuing little more than one fifth in substance of the twenty Articles which he was required to meet at your bar; that, in virtue of this indulgence, he has it yet in probable contemplation to be restored once more to the rights of civil and to the comforts of social life—are considerations which furnish, he conceives, abundant matter of gratitude to that Being who, for his own wise and gracious purposes, permits and limits the existence of evil.

Anxiety of Counsel.

My Lords, in these feelings of his honourable client, his advocate cannot but, to a considerable degree, participate. But he has other feelings of his own which his client shares not with him. He feels an anxiety to which his client is a

stranger, and fears by which his mind is not agitated. 14 Feb. 1792.
Wrapt up in the consciousness of his own upright motives, and his well intended and successful labours for the public service, he reposes himself in secure confidence on the justice and discernment of your Lordships; whilst his advocate sinks under the pressure of apprehensions and terrors, excited by objects, foreign indeed to the merits of this cause, but materially affecting the conduct, and—such is the imperfection of our common nature—materially influencing the event, of almost every cause.

Prejudice against the defendant from the nature of the charges, and the eloquence of the prosecutors.

My Lords, all the arts by which the minds of any assembly of men are most powerfully fascinated, and attracted to the consideration of any subject, already predisposed to any partial view of it, have been employed, with no very scrupulous exertion of them and with very formidable effect. Crimes of the blackest die, and cruelties, at the bare mention of which every sympathy of our common nature is convulsed and agitated—detailed, as they repeatedly have been, with the most positive assertion of their existence, and with an application forced and unnatural, as I trust it has appeared, but with an application pointedly and peremptorily made to the gentleman at your bar, have had an operation more powerful, I trust, without than within the limits of these walls, but an operation nowhere to be disregarded. Topics of this inflammatory kind, together with others more fitly addressed to the reason and judgment of your Lordships, accompanied with the unrivalled display of such talents and eloquence as no other period of our history has brought together into one common point of action and observation, have occupied and exhausted all the attention which the human mind is capable of giving to the most finished performances of human ingenuity.

Comparative disadvantages of the Counsel for the Defence.

My Lords, to a taste thus pampered and, I had almost said, corrupted with these luscious delicacies we have nothing left to offer but the plain and simple food, I had almost said the dry husk, of fact and argument. But, my Lords, we have on another account occasion to anticipate the dissatisfaction and disgust of your Lordships. Not only the manner in which this subject will be treated must be more homely than that to which your Lordships have been hitherto accustomed, but the subject matter itself and every other attendant circumstance has lost the attractive grace of novelty. This solemn scene, the concentrated splendour of everything that is dignified and illustrious in the various

14 Feb. 1792. orders of this well compacted community, the dazzling display of the envied and valuable distinctions with which the wisdom of our country has at all times adorned high birth, eminent virtue, valour and learning—everything, in short, which is valuable and sacred in the display of the supreme administration of British justice, has, by the frequency of its exhibition, lost much of that eager attention and interest which it received and lent to the first efforts of those whose great faculties needed no such aid to arrest attention.

Difficulty of counteracting misrepresentations.

My Lords, the province which our duty assigns us is on other accounts equally irksome and disadvantageous. To detect brilliant fallacies, to unveil specious error, is at all times a thankless, obnoxious and uninteresting, office. To dispel the clouds of misrepresentation, which have been during so many years collecting over the public life and conduct of the gentleman at your bar, within that contracted portion of time which the public patience and—what at our hands is equally deserving of consideration—the tortured and almost expiring patience of our client, will allow us, is hardly within the compass of the same talents which have imposed this burden on us, but is beyond the reach of all reasonable hope, with those meaner faculties on which this Herculean labour rests. Struggling, therefore, against so many natural and so many artificial difficulties, enhanced by the inevitable effect of anticipation and fatigue, where can the advocate look for comfort or from whence derive any reasonable source of hope?

Advantages from the character of the tribunal.

My Lords, against the dismay and despondency which considerations of this sort are too apt to excite, he feels himself buoyed up and sustained by other considerations, which operate, in no mean degree, towards restoring his mind to a due state of composure and confidence. My Lords, if he recollects that he is to encounter a charge in the name and under the sanction of the whole representative body of Great Britain, urged and enforced, as upon this occasion it unquestionably has been, beyond the parallel of any former time, with the most singular combination of the most vigorous talents, the most brilliant and bewitching eloquence, the richest and most powerful treasures of memory and imagination, the most practised industry, the full effect of none of which powers and advantages have been enfeebled or blunted by any of those infirm considerations which sometimes qualify the language and conduct of less illustrious accusers—I say, if he recollects that he has to struggle

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with difficulties of this extraordinary size and pressure, he has the consolation to reflect that the conflict is to be sustained before a tribunal whose pure and, not expected only, but experienced justice—whose high hereditary honour—whose enlarged knowledge of the springs of all human action, and the principles upon which all human governments have been administered in every age, country and climate—whose particular acquaintance with the relation, interests and dependency, of every part of this widely extended empire, with the losses and dismemberment which it has sustained in some parts, with the resources it has found, and the valour and wisdom by which it has been sustained in others—and, more than all, whose interests and honour, inseparably interwoven with the best interests and honour of their country—assure him against the effect of these meaner prejudices which might obscure or deprave the understandings of a less noble and enlightened tribunal.

Long duration of the trial.

My Lords, the defendant is now at the entrance of the fifth year in which he has stood before your Lordships, in a course of continued trial upon matters of high criminal charge—a situation in which no British subject was ever placed before—a situation in which, I am sure, I am but the echo of the general humanity when I say, God forbid that any British subject should ever be placed again!

Unfairly imputed to conduct of the Counsel for Mr. Hastings.

My Lords, I own I have heard it, sometimes with a considerable degree of surprise, urged by the honourable Managers, in the course of detailed addresses to your Lordships, and when it would not have become me, with the respect due to them and to your Lordships, to have interrupted or contradicted the assertion by that positive denial which I was enabled to make of it, that the delay by which this trial has—I will not say, by any blame of any one—spun itself out to this burdensome and unprecedented length was, in some degree, owing to us, the advocates of Mr. Hastings. My Lords, as we are now but entering upon the defence of Mr. Hastings, that delay, as far as it is even colourably imputable to us, can only have been occasioned by our resistance to the adduction of that evidence which our reason and judgment taught us was improper to be received; and in so thinking we have received, in many instances, the confirmation of your Lordships. My Lords, upon this subject I appeal to your Lordships, as my witnesses as well as my judges, whether, in instances to the number of twenty out of twenty-three, in which questions respecting the competency

Their objections to evidence supported by the court.

14 FEB. 1792. of evidence have been agitated before you, your Lordships have not in that number of instances decided against the admissibility of the evidence tendered?

Loss of almost an entire session.

My Lords, I call to your recollection that melancholy loss of almost one entire session of Parliament, constituting one entire year of prolonged suffering to the defendant at your bar, in which your Lordships were obliged to pass and repass between this and the other chamber of Parliament, but the trial in the meantime perversely stood still.* My Lords, when I am removing this charge of delay from our own door I have no wish to place it at any other. There let it rest where the public persuasion, founded on truth, may place it.

Inability to cope with the opener of the prosecution.

My Lords, when I consider the vast field of history and argument upon which I am about to enter—when I consider by whom that field has been trodden already, whom it is I follow, and what I am that follow them—I am ashamed of my own presumption in having ventured to appear before your Lordships. All spirits and all hope of any adequate performance of the task assigned me sink and expire within me, practised only in the ordinary habits of professional duty, with little previous knowledge of the concerns of this new world, and having, as yet, acquired no such adequate acquaintance with it as should intitle me to the attention of your Lordships. I have, upon this subject, but too much occasion to implore the protection and indulgence of your Lordships. But there is another, upon which I have still more occasion to implore that indulgence: the vast inequality which exists, not only in natural powers and attainments, with the gentlemen to whom we are opposed, but that vast inequality which subsists in our conditions, furnishes a still stronger claim upon your Lordships for your patience and indulgence.

Inequality of conditions between Managers and Counsel.

I know that, in the law of England, there is no inequality in persons in the administration of its justice; no favour, pre-eminence or superiority, in matter of substantial right. This cause has, with somewhat more of dignity attached to the characters of several of the parties, but the same parts, organs and instruments, that belong to every other cause.

Equality in respect of privilege to accuse and defend.

* Mr. Law refers to the interruption of the proceedings occasioned by the discussion of the question, in the House of Commons, of the resumption of the Impeachment by the new Parliament, assembled in November, 1790, and the inquiry for precedents instituted by the House of Lords, and which occupied the greater part of the session of 1790-91.—See the Preface to the present volume.

It has its accused, its accusers, and the parties who represent them. Everything that, in any more ordinary tribunal can be alleged, insinuated or proved, may [I trust be met here as] in other tribunals: the insinuation may be repelled, the allegation refuted or denied, the proof met by contrary proof; and, in short, in every attempt, if such should be made in any court, to prejudice a party before that court, by any unfair arguments or insinuations, such arguments or insinuations may be met by fair exposure and detection of their fallacy, I conceive, in every court within this land. If, however, my Lords, there should exist any court in which this equality does not exist, such court I would venture to pronounce not to be correctly constituted for the purpose of trial; because it wants that equality and that mutuality which is essential to the distribution of justice, in every free and enlightened country. 14 Feb. 1792.

My Lords, I trust I need lay no such claim either with your Lordships or the honourable Managers. I trust that their candour and magnanimity will not stoop to animadvert even upon any improvident expression which, in some moment of eagerness, may fall from us; but, as they have honoured even us, the advocates of Mr. Hastings, with their strictures and animadversions, so they will allow us with modesty and deference, in some degree, if not the laws of retaliation, at least the laws of self vindication and redress. My Lords, I think it hardly necessary to say that I feel the deepest respect and reverence, not only for the aggregate body of the prosecutors, but for those to whom this prosecution is immediately delegated, and that it cannot be my purposed intention, in anything which I shall address to your Lordships, to violate either the privileges or respect that are due to that aggregate body, or the particular and personal respect which is due to any individual gentleman whom they may have selected upon this occasion to state and to press their accusation. Respect for the prosecutors.

Having said this, I shall, with a mind somewhat relieved from that anxiety which one cannot help feeling when placed in a situation of some peril and much disadvantage, proceed to the [discharge of the duty I have undertaken].

My Lords, such has been the fruitfulness of this country in matters of criminal charge, that every person charged in any degree by a state prosecution has before him a variety of precedents, according to which he may square his conduct. If it should at any future time suit, or has at any past time Precedents for insulting language in State prosecutions.

14 Feb. 1792. suited, the temper and disposition of any person charged with the conduct of such state prosecution to insult the feelings of any person, whose situation and attainments may have heretofore earned him some respect with mankind—I say, that if such bad practice should at any remote period be attempted to be introduced, at least such practice would not have the claim of originality. Such savageness has its precedent in that memorable instance, the treatment of Sir Walter Raleigh by Lord Coke, to which I will not call your Lordships' attention; but I will pass to the treatment by other persons charged with the management of state prosecutions, and who have conducted themselves in that management in a manner very different from that which I take the liberty to reprobate in that great person I mentioned, whose talents and learning would otherwise recommend him to the veneration and love of mankind.

Trial of Bishop Atterbury. Moderation of Sir Clement Wearg.

On the trial of Bishop Atterbury, Sir Clement Wearg, who appeared at your Lordships' bar in support of that prosecution, thought it became the dignity of his character, and his own sense of what was due, and what others felt to be due, to such a prosecution, to urge nothing but fair argument from the evidence before him. He addressed your Lordships' predecessors thus:—

> "It must be admitted that the reverend Prelate has made his defence with the utmost force and beauty of eloquence. Were I capable of answering him in the like sort, which I own I am not, yet I should not think myself at liberty to do it under the present circumstances; for, though it may be excusable in a person on his defence to make use of this powerful influence of error and deceit, which always imposes on the reason and misguides the judgment in proportion as it affects the passions, yet I cannot think the same methods justifiable in a person employed to carry on a prosecution."

Sentiments expressed by Lord Mansfield, at the trial of Lord Lovat.

My Lords, a noble Lord, once the pride and ornament of the bar, as he afterwards was of that court in which he presided, with full splendour of talents and of virtues, for more than thirty years—that noble Lord, when a Manager for the House of Commons in the prosecution against Lord Lovat, made this observation, perfectly warranted by his own conduct and that of all the others in joint trust with him upon that occasion. I will take the liberty of stating his Lordship's own emphatical words, at the time when he was making an apology for replying at all, in a case in which the defendant had called no witness:—

> "The gentlemen who manage this prosecution have, in the course of it, meant to do justice to their trust, in such a manner that the noble

Lord at the bar should feel the weight of truth, but not of his accusers. And it is not to aggravate guilt or to press down the load heavier upon him that I am at this time commanded to speak, but to satisfy your Lordships now, and the world hereafter, from the nature of the evidence by which this accusation has been supported, why no part is attempted to be answered."* 14 Feb. 1792.

His Lordship then proceeds—

"There are many circumstances which induced them"—the Commons —"to single out this prosecution; many circumstances of a public, many of a peculiar nature. I am almost tempted to mention some of them; but, in part, they have occurred to your Lordships in the course of the examination, and I refrain, lest I should drop anything that might tend to inflame. Everything of that sort has by everybody been carefully avoided upon this occasion. That 'Ciceronian Eloquence,' as he calls it, from principles of justice and humanity, has not been used against him. Every gentleman who has spoke in this trial has made it a rule to himself to urge nothing against the prisoner but plain facts and positive evidence, without aggravation. They have addressed themselves to your judgment, and not to your passions."†

Comparison with treatment of the defendant in the present trial.

My Lords, I shall say nothing upon these precedents, more than that these are precedents which the Managers of a state prosecution may, if they approve them, follow. Whether the defendant has, upon this occasion, felt the weight of truth or of his accusers more, is certainly, a matter for the judgment of your Lordships.

Pretence of peculiar treatment required fo charges of misdeameanour.

My Lords, an honourable Manager stated, and I think with great justice of argument, that there was a great difference to be taken between the manner in which charges of misdemeanour were to be treated and charges of more definite and specific crimes.‡ To an extent there is; and, certainly, in the case of felonies and offences of a more descript and specific nature, there is less occasion for any terms of an extraordinary description to point out the crime, inasmuch as the Legislature, by annexing a distinct description and punishment, has defined it; but it is necessary only for the purpose of fully explaining the crime—be it misdemeanour or whatever else—that is imputed to the party, to show that which constitutes its principal *gravamen* and tendency. No further is just and warrantable, in any other court, than that it may have merely the effect of showing the tendency and mischief

* See the Speech of Mr. Murray, Solicitor General, afterwards Earl of Mansfield, in the report of the proceedings in the Impeachment of Simon Lord Lovat for High Treason.—Printed in the "Complete Collection of State Trials," compiled by T. B. Howell, Esq., vol. xviii., col. 803.

† Printed as above, col. 813.

‡ See the Speech of Mr. Sheridan, 3d June, 1788; vol. i., p. 483.

14 Feb. 1792. of the particular action. Any other coloured description of the offence is, I conceive, unnecessary, and warranted nowhere. In the case in which Sir Clement Wearg made the observation I took the liberty to mention, that was not a case of felony; it was a case of a bill of pains and penalties for treasonable misdemeanours; and if it had been, in the idea of that learned person, fitting for him to use that sort of aggravation, the occasion within the rule laid down by the honourable Manager, certainly, warranted that application.

Historical sketch of Hindustan.

My Lords, as it will be impossible for your Lordships, with that degree of satisfaction which you would wish, to comprehend the full extent of the various questions that are agitating before you, without travelling somewhat into the nature and history of that country which has been the scene of all these actions, good or bad, which are now passing in review before you, I trust I shall be permitted to occupy a portion of your Lordships' attention in giving a faint indeed and imperfect picture—a picture that will not be worked up with high-wrought colourings, with ideal representations of an unreal and imaginary state of things, but which will contain a fair, plain, candid, representation of the actual situation of that country, from the earliest times of which any notices of it have been conveyed to us by history, or by our own particular information as derived by actual visits to that country—from the earliest periods from which we have known it, down to the time when we may be considered now as holding it in the character of sovereigns.

Brahmanical era.

I will not, certainly, carry your Lordships through the Hindu or Brahmanical era in which an honourable Manager wantoned at pleasure. I have had no opportunity of finding any materials respecting it, but such as are conveyed to us by Herodotus and other historians, who relate the situation in which that country was found by the companions of Alexander, in their visits to the northern parts of India, and to which, I must own, neither my diligence nor industry has led me. But, beyond this, all is made up of dream and fiction, fit only to pass through the Ivory Gate, at which I consign the unenvied charge to others. Those accounts we have had of the Brahmanical government and the Mohammedan government have been introduced with a view—at least its tendency has been—to place in disagreeable and obnoxious contrast the government of the English, since we have had any share in the administration of that country. From that load of prejudice, by a fair comparison and adduc-

tion of the true materials of genuine history, I undertake to relieve the public fame. 14 FEB. 1792.

My Lords, we have been told that, neither in that country nor in any other, has there existed such a thing as arbitrary power.* My Lords, I am at issue upon that assertion; and if I do not show that that country, up to the period when, I will say, it was blessed by the administration of the English, has been the devoted seat of every thing that is detestable in the shape of misgovernment and tyranny, I claim no attention for any assertion from your Lordships. Arbitrary power in India.

My Lords, I know no other traces respecting the Brahmanical era than those which are comprised in a few preliminary chapters of Dow's History of Hindustan. I do not think the country under that administration quite so good, nor the situation of the country quite so happy, as the honourable Manager has represented. There is one thing occurs in the history of that period which is curious—their division of time. They divide the history of the world into four portions. That in which we live is supposed to consist of 36,000 years; and they make that portion consist of three fourths of falsehood and one fourth truth. How far they are warranted in that speculative opinion of the age in which we now live, your Lordships are better judges than I am. But there is one circumstance which does not square quite with the hypothesis of the honourable Manager—that that was a sort of golden age in which the lamb and tiger laid down together, all peace and harmony, and that war and tumult were not known. Read the first page of that same history, and you will find wars carried on, much more bloody than any in our times. There is an account of some millions of men and some thousands of elephants drawn in array against each other; and they fight till only eight are left on one side and four on the other. So much for the bloodlessness of that period! Condition of the country in the Brahmanical period. Chronology. Sanguinary wars.

Passing, therefore, over the Brahmanical era, which furnishes no support to the hypothesis of the honourable Manager, let us proceed to the Mohammedan era, the foundation of which was laid by [Sultan Mahmoud of Ghuzni], who was the first Mohammedan that invaded it with any purposes of dominion; and, after eight or nine predatory incursions, the government at last settled in his house. It was a system, not of government, but of cruelty and rapine. Mohammedan era. System of cruelty and rapine.

* See the Speech of Mr. Burke, vol. i., p. 76.

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It had nothing but the spoliation of the miserable people, considered by the Mohammedans as idolators, for its object; it used the destruction of the country, the plague of the inhabitants and their massacre, as the means. The whole of that period—the whole period of the Ghuznian empire, and of the [Afghans], is but one trace of the calamity, of which the great binding causes are famine, pestilence and massacres.

Tamerlane.

About the beginning of the fourteenth century, I think, Timur Bey, or Tamerlane, as he is called, first came from Tartary, from whence the great and successful invaders of that empire have uniformly come; and he conducted himself, the honourable Manager has chosen to state, upon perfectly different principles. He began by stipulating with the rajas that he would impose no poll tax on the people. He began by mixing his blood with the families of those rajas—marrying their daughters; and the honourable Manager has attributed to him many other circumstances of benignity and gentleness, for which, I own, in any research I have been able to make in the history of that country, I have found no foundation, except in a tragedy which is played on our own stage. The honourable Manager, when speaking of the character of Tamerlane, and the manner in which he treated the rajas, by marrying their daughters and stipulating not to lay a poll tax upon them, says—"These circumstances mark that Tamerlane, though a Tartar, was no barbarian."* My Lords, we are at issue upon that fact. Now I set myself to establish the contrary of that proposition.

Denial of magnanimity attributed to him by Mr. Burke.

Quotations from various authors proving his cruelty.

The first fact is in the Bibliothèque Orientale, [where it is stated that a saying is ascribed to Tamerlane—that a prince who wished to keep his state in peace] should always have his sword in motion; and [another]—that a monarch was never safe on his throne but whilst a great deal of blood was shed around him—an apothegm worthy of a barbarian.*

The next I take from Gibbon. It is a very short, but a important, anecdote. "He erected on the ruins of Bagdad a pyramid of ninety thousand heads."

The next is Dow, [History of Hindustan], second volume, page 6. After mentioning a successful battle of Tamerlane, the historian says,—

"The next morning he moved his camp more to the eastward, where

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* See Speech of Mr. Burke, vol. i. p. .

† D'Herbelot, "Bibliothèque Orientale"; Paris, folio, 1617, p. 888.

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he was told by the princes and generals of his army that there were above a hundred thousand prisoners in his camp, whom he had taken since he crossed the Sind; that these unfortunate persons had, the day before, expressed great joy when they saw him attacked before the citadel, which rendered it extremely probable that on the day of battle they would join their countrymen against him. The inhuman Timur, who might have found other means of prevention, gave orders to put all above the age of fifteen to the sword; so that, upon that horrid day, 100,000 men were massacred in cold blood. This barbarity, together with his other actions of equal cruelty, gained him the name of Hillak Chan, or the Destroying Prince."

Major Rennell says,—

"This inhuman monster, who had credit enough with a poet of the present century to be brought upon the stage as a hero of great and distinguished qualities, obtained in Hindoostan the title of the 'Destroying Prince.'"

Afterwards, Major Rennell says, speaking of a fortress which he had taken from us,—

"He proceeded to the place where the Ganges issues out of the mountains and to which the Hindoos resort, in certain seasons, in vast numbers, to pay adorations to, and to purify themselves in, that sacred stream. His object was the extermination of those inoffensive people; and he partly succeeded." *

I will not pursue the horrid tale any further. I think I have stated enough to prove my proposition—that he was both Tartar and barbarian.

Absence of cruelty in British rulers in India.

I hope it will not be understood that, in adducing these instances of cruelty, I conceive that any one of them is at all necessary for the purpose of vindicating any act, either of Mr. Hastings or of any of our countrymen charged with the execution of powers in the East. No! my Lords; I challenge not only the honourable gentlemen who are opposed to me, but all mankind to produce one well authenticated instance of personal cruelty, by persons entrusted with and in the execution of power in India, from the beginning of our history in that country to the end. My Lords, it is not the character of the British nation. It is not the vice of the times in which we live—improved at least in dispositions of gentleness and mercy. It is not the truth, as vouched by any record of written testimony, or by the evidence of living witnesses.

My Lords, after the irruption of Tamerlane, succeeded the

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* "Memoir of a Map of Hindoostan," by James Rennell, 1788, p. 54.

14 Feb. 1792. short dynasties of [Afghan and Hindu princes], which are the only ones which preceded the more temperate government [subsequent on the] invasion of the Sultan Baber; in whose imperial house, saving a short period of twenty-four years, [the dominion over India] has continued to the present hour. The first period of the history of India upon which the eye of philosophy can rest, with any tolerable degree of satisfaction, is the long reign of Akhbar. He reigned fifty-one years. The empire acquired under him, and under the long reign of his successor, Aurungzebe, all its form and consistency, and a greater extent of dominion than, perhaps, it ever had in any other time. He was a prince of great generosity, great liberality, and is, I think, by some historian, called the Harry the Fourth of India, who reigned about the same time and had many of the same virtues. Yet even this prince, trained in the habits of hereditary despotism, had the virtues of his generous mind corrupted, and he permitted himself the use of the base arts of assassination and poison. There is an instance, mentioned in Dow, of a viceroy whom he took off by assassination. But there is told of him, by Terry the historian, this anecdote, equally fatal to his existence and his fame:—

Favorable period of the reign of Akhbar Khan.

His great qualities.

His practice of assassination.

> "Having in his hand two pills, one of a poisonous quality the other a salubrious one—intending one for himself, the other for a courtier he meant to take off—after many soothing protestations of kindness he took one and induced the courtier to take the other. He himself, by mistake, took that of the poisonous ingredient, which occasioned his death, soon after, at the city Lahore." *

Turbulent state of the country.

But that country did not know one year of quiet and peace. There was not a year of the whole fifty-one that Akhbar reigned that was entirely peaceful; and I think Major Rennell, in his Memoir, says, that this, which might be considered as a state of comparative ease, was a state which in other countries would be considered as little short of rebellion.†

Government of Aurungzebe.

The next period upon which one can rest, as a period in which anything in the shape of government existed in that country, is the long reign of Aurungzebe. But there

* "A Voyage to East India, by Edward Terry, then chaplain to the Right Honourable Sir Thomas Row, Knight, Lord Ambassador to the Great Mogul;" London, 8vo., 1655, p. 429.

† "But this tranquillity would hardly be deemed such in any other quarter of the world; and must therefore be understood to mean a state short of actual rebellion, or, at least, commotion."—Rennell's "Memoir of a Map of Hindoostan," Introduction, p. 59.

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intervened two reigns between Akhbar and Aurungzebe—the reigns of Jehan Ghyr and Shah Jehan. Jehan Ghyr had civil wars in his time: the eldest son cut off his successor: and a continual state of commotion and war. In the reign of Shah Jehan, towards the close of it, and when he was too feeble to grasp his sceptre any longer, there were four sons in the field with all India embattled with them, contending for that sceptre he was no longer able to grasp; and he had the misery to live to have it wrested from him at last by the most wicked, miserable and subtle, of those sons, who waded to the throne through the blood of his three other worthier, contending, brethren.

Commotions during reigns of Jehan Ghyr and Shah Jehan.

Now, in the reign of Aurungzebe, a prince of great talents, which endured for forty years, one would conceive something of a system of law, the institution of something that would give security to property, peace and happiness to mankind. Not a trace of it! Your Lordships will recollect, the proposition of the honourable Manager was, that neither in India or elsewhere did there exist such a thing as arbitrary power. Now I will show that, during the whole of the period of the government of Aurungzebe and Akhbar, there existed nothing else! And, that I may not be misunderstood, I will state what I mean by despotism and arbitrary power. I mean a situation in which the government entirely depends upon the discretion of the sovereign for the time being; in which there exists no barriers between the subject and the sovereign, for the purpose of defining the rights of the one or limiting the power of the other. That I state to have been the condition of that country, which it seems is cursed by being taken under the administration of the British nation. I confine myself to the best period of that history. My extracts are from towards the middle of the reign of Akhbar down to the close of the reign of Aurungzebe.

Absence of law and order.

Exercise of arbitrary power.

The first authority I shall trouble your Lordships with is from the travels of Mr. Terry, who went out as chaplain to Sir Thomas Roe, who went as ambassador to Jehan Ghyr, and resided in the country for some time. Mr. Terry, speaking of the government of that country, states it thus—

Extract from Terry's Travels.

"It is that, indeed, which is the worst of all governments, called by Aristotle, despotic, arbitrary, illimited, tyrannical, such as a most severe master useth to servants, not that which a good king administereth to subjects; which makes it very uncomfortable to those that live as subjects there under the command of others, taller than themselves by their sword's length, or so to be fixed in any part of the world, where no laws resist the sword, but that it acteth what it lists.

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"As in that empire, where the king measureth his power by his sword or lance, in making his will his guide, and therefore anything lawful that likes him. Which carriage of his might very well become that emblem of illimited power, which is a sword waved by a strong arm and hand, and the words '*sic volo sic jubeo*,' or 'thus will I have it:' and if any there be so far discontented as to make any the least question at what he doth, he hath a far stronger argument still in readiness than all the force of logic can make, and that is, very many thousands of men that are stout and able soldiers, whom he keeps continually in arms and pay, that can make anything good which he shall please to command.

"There are no laws for government kept in that empire upon record—for aught I could ever learn—to regulate governors there, in the administration of justice, but what are written in the breast of that king and his substitutes; and therefore they often take liberty to proceed how they please in furnishing the offender rather than the offence—men's persons more than their crimes—*ægrotum potius quam morbum*."

He afterwards adds, which is material for some other part of our case—

"The Mogul sometimes, by his firmauns or letters patent, will grant some particular things unto single or divers persons, and presently after will contradict these grants by other letters, excusing himself thus—that he is a great and an absolute king, and therefore must not be tyed to anything.

There is never a subject in that empire who hath land of inheritance which he may call his own; but they are tenants at the will of their king, having no other title to that they enjoy besides the king's favour, which is, by far, more easily lost than gotten."*

Extract from Mandelslo.

The next authority with which I shall trouble your Lordships, is Mandelslo. He attended the embassy from the Duke of Holstein, and travelled into Hindustan in the time of Jehan Ghyr. He says,—

"The authority of the Mogul is so great, and his sovereignty so absolute, that he is master of the whole property of all his subjects. That is the reason why all differences between them is decidable by his sole will and pleasure, and he disposes despotically of their lives and fortunes; which is the reason why the greatest lords are executed at his mere command, and that their jagirs, their offices and their governments, are taken away at a word. There is no hereditary dignity in all the empire."†

Tavernier says,—

Extract from Tavernier.

"The great Mogul is surely the most rich and powerful monarch of Asia; the territories which he possesses being his own hereditary posses-

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* "A voyage to East India," etc., observed by Edward Terry, 1655, p. 369.

† "Voyages célèbres et remarquables, faits de Perse aux Indes Orientales," par le Sr. Jean Albert de Mandelslo, gentilhomme des Ambassadeurs du Duc de Holstein en Moscovie et Perse."—Traduits de l'originale par le Sr. de Wicquefort; Amsterdam, folio, 1727, p. 122.

sion, and being absolute master of all the territories whence he receives his revenues. For in the territories of this prince the great lords are but the royal receivers, who give an account of the king's revenues to the governors of the provinces, and they to the chief treasurers and comptrollers of the exchequer."* 14 FEB. 1792.

Bernier, an historian of unquestionable credit, says,— Extract from Bernier.

"All the lands of the kingdom being of the emperor's property are given [as pensions, under the name of jagirs, to his military followers], &c."†

Catrou, who is a translator of Manouchi, who resided forty-eight years in Hindustan, and, of course, had as good an opportunity of acquiring a knowledge of the nature of the government there—more indeed than—any other person could have, says,— From Catrou.

"['Tis known that the extent of the imperial demesnes is equal to that of the territories of the empire. The Mogol is the only proprietor of all the real estates in his dominions, and only heir to his subjects."]‡

He says afterwards,—

"[We have little to say as to the kind of government and policy established by the Mogols in the Indies. Certainly nothing can be more simple than the springs by which this great machine is set in motion. The emperor alone is the soul of it. His jurisdiction being as entire as his demesnes, the whole authority resides in his person alone, and, properly speaking, there is only one master in Indostan. All the rest are rather to be looked on as slaves than subjects."]§

Ogilby states that,— From Ogilby's "Asia."

"All the ground and land of the whole country is the king's own, so that no man possesses a foot of land but through his favor. The king gives to each of his commanders and grandees that are in his country certain lands, [lordships and revenues, for which they are obliged (excepting only one third, which is the king's) to maintain a certain number of soldiers, as well in time of peace as war, as also some elephants, horses, camels, and leopards.

"When a nobleman dies, all his goods, not only what was given him by the king, but also what he purchased himself, falls to the Mogul, who commonly leaves his widow the horses and household stuff, and gives to the children some place of note; for, if a father commanded over a thousand horse, he will make the son commander over fifteen

* Tavernier's "Travels in India," book ii., chap. 1.—Printed in English, in the "Collection of Travels thro' Turkey into Persia;" folio, 2 vols., 1684.

† A long extract was here introduced from the "Lettre de l'Etendue de l'Hindoustan," etc., appended to the second volume of the "Evènemens particuliers, ou ce qui s'est passé de plus considérable après la Guerre cependant cinq ans, dans les Etats du Grand Mogol," par F. Bernier, 1670, p. 255.

‡ "The General History of the Mogol Empire," extracted from the "Memoirs of M. Manouchi," a Venetian, by F. E. Catrou; 8vo., London, 1709, p. 348.

§ Ibid., p. 360.

14 Feb. 1792. hundred, and afterwards increase or decrease his number, according to his deserts."]*

My Lords, that it may not be supposed that I have made a partial selection from the historians of these periods, for the purpose of this cause, I will quote the words of the President Montesquieu, acting upon all this information expanded before him, who states the government of the East thus:—

Extract from Montesquieu.

"The people of Asia"—says the President—"are governed by the cudgel, and the inhabitants of Tartary by whips. The spirit of Europe has always been contrary to [severity?], and, in all times, what the people of Asia have called a punishment, the people of Europe have called an outrage."†

Oppression in India, prior to British rule.

I trust that these historical documents, and the last authority I have quoted, are completely sufficient to establish, in point of historical truth, that the government of Asia, before it was supplanted by the free government of Britain, was a government of misrule, producing no one benefit to the governed, but every species of vexation, cruelty, and oppression.

Administration of Bengal by Jaffier Khan.

During the reign of Aurungzebe, the charge of that part of India which now belongs to the British, namely, the provinces of Bengal and Behar, and, indeed, that of Orissa —for at that time it was under the management of the same subahdar—was under the charge of Jaffier Khan. That person has been extolled for his extraordinary wise management and conduct in the management of these provinces, under Aurungzebe, and particularly in the very curious narrative for which the public are indebted to the translation of Gladwin. He is described as a person who promoted the glory, the good and happiness, of mankind in an extraordinary degree.

Now let us look to the situation of the persons under this government, and see whether it is possible men could be happy, so governed. Speaking of the manner in which he collected the revenue it is said that,—

Extract from Gladwin's Narrative.

"On the last day of the month he exacted from the khalseh, [the jagers, the khassneveesee, the behleh, and bujootats, the amount due, to the uttermost dam. Until the monthly instalments were paid into the royal treasury, he would not suffer anybody to be at rest. He put strict mohisseels over the mutesuddies, aumils, canoongoes, and their officers, and confining them in the cutcherry or in the dewan khaneh of Chehelsetoon, where they were refused victuals and drink, and not suffered

* "Asia," by John Ogilby; folio, 1673, p. 163.

† Montesquieu, "Esprit des Loix;" book xvii. chap. 5.—English translation, 4 vols. 8vo., 1777.

to perfom the other necessary calls of nature. Hircarrahs were also employed to discover if any of the mohisseels were bribed to allow them even a drop of water, and they were sometimes kept in this manner so many days as to be brought to the point of death, and reduced to skin and bone. If their servants brought them any sustenance, with the connivance of the mohisseels, if discovered, they were seized by the hircarrahs and severely punished. To these severities were added the cruelties of Nazir Ahmed. He used to suspend the zemindars by the heels, and after rubbing the soles of their feet with a hard brick, bastinado them with a switch. In the winter he would order them to be stripped naked and sprinkled with water. And he also used to have them flogged till they consented to pay the money. 14 Feb. 1792

"Moorshed Kuly Khan employed none but Bengally Hindoos in the collection of the revenues, because they are most easily compelled by punishment to discover their malpractices; and nothing is to be apprehended from their pusillanimity. When he discovered that an aumil or zemindar had dissipated the revenues, and then, falling in balance, was unable to make good the deficiency, he compelled the offender, his wife and children], to turn Mahometans."*

My Lords, I will not pursue these details any further, but I will use the language of a most eloquent and able writer, when he says,—

"I find myself unable to manage them with decorum. These details are of a species of horror so nauseous and disgusting, so degrading to the sufferer and to the hearer, so humiliating to human nature itself, that, on better thoughts, I find it more advisable to throw a veil over this hideous object, and to leave it to your own conceptions."

Character of Jaffier Khan.

I have stated what was the actual condition of this country under Jaffier Khan; in what manner he administered the revenue. The whole of his character is summed up in a rigid exaction of the revenue, in a merciless and undistinguishing punishment upon all offenders, and a zealous, persecuting, attachment to the faith of Mohammed.

You shall now have the terms in which the character of this man, the author of so much misery and unhappiness to the persons who lived under his rule, is summed up by the person whose narrative Gladwin has translated. He says,—

"Since the time of Shayisteh Khan, there has not appeared in Bengal, nor indeed in any part of Hindostan, [an aumeer who could be compared with Jaffer Khan for zeal in the propagation of the faith; for wisdom in the establishment of laws and regulations; for munificence and liberality in the encouragement and support given to men of family and eminence; for rigid and impartial justice in redressing wrongs and punishing offenders; in short, whose whole administration so much tended to the benefit of mankind, and the glory of the Creator."]†

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* "A Narrative of the Transactions in Bengal," etc.—Translated from the original Persian by Thomas Gladwin, Esq.; Calcutta, 8vo., 1788, p. 59.

† Ibid., p. 109.

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Arbitrary power illustrated.

This is the comment made by an Asiatic subject on that sort of government I have been describing. If this be not the sort of thing which in ordinary speech we understand—if we understand anything—by arbitrary power, misgovernment, cruelty, tyranny, I am at a loss to find the prototype of these words.

Condition of the English settlement at the time of Aurungzebe.

Destruction of the factory at Calcutta.

This then was the condition in which the government of this country was administered at the period when the English were first introduced into it as merchants, or nearly about that period, for their trade was but in its infancy in the reign of Aurungzebe. They had a factory at Hooghly, not far from Calcutta, and which, by some accident, during the time that Job Charnock was the chief of that factory, and administered the English concerns in that part of the world, sunk into the river at midday. They applied for leave to rebuild it and were about to build it, when, either that the elevation of its terrace above the windows of some of their neighbours gave offence or [from some other cause, complaints were made of the encroachments of the English, which operated so far with Jaffier Khan, that he prohibited any further progress in the construction of the new factory]. The builders left their work, the factory was obliged to be discontinued, and Charnock put his whole establishment aboard ships and sailed to the coast of Coromandel. It happened, at the time he arrived there, Aurungzebe was engaged in a war [with the Mahrattas]. Their ships furnished a convenient supply of corn. He gave them the first pharman by which they had any regular establishment in the country of India; he gave them a pharman exempting them from the duty of two and a half *per cent.* [collected at the port of Hooghly from the ships of the English Company.]* Thus fortified by the protection and countenance of the Emperor, they returned to Bengal. Jaffier Khan was conciliated by some presents, very wisely administered to him. He was induced to tolerate this settlement. They fixed themselves at Calcutta; and he speaks of the English and the manner in which they throve, and grew in some respects to the greatness which they afterwards attained, in these terms—

Removal to coast of Coromandel.

Pharman granted by Aurungzebe.

Return to Calcutta.

"The mild and equitable conduct of the English in their new settlement gained them [the confidence and esteem of the natives; which, joined to the consideration of the privileges and immunities which the Company enjoyed, induced numbers to remove thither with their families;

* "A Narrative of the Transactions in Bengal."—Translated from the original Persian by Francis Gladwin, Esq.; 8vo., Calcutta, 1788, p. 82.

so that in a short time Calcutta became] an extensive and populous city."* 14 Feb. 1792.

By these peaceable and inoffensive acts did the servants of the Company first lay the foundation of their political greatness. But the more full and perfect establishment of the Company was obtained afterwards, by a grant from the Emperor Farouksir, which was obtained for us by the singular disinterestedness of an English gentleman, of the name of Hamilton, who was a surgeon at the factory of Calcutta. Having had the good fortune to save the life of that Emperor, who was then afflicted with a dangerous disorder, the Emperor granted him liberty to ask what he would, and promised him the performance of his wish. With a liberal and disinterested patriotism, he asked for the Company that pharman under which they enjoyed the right of free trade, which they exercised in India continually, up to the time of their acquiring the diwani.

Grant from the Emperor Farouksiar.

Aurungzebe was succeeded by his son, Behadar Shah. But he did not seat himself quietly upon the throne of his father, for he was obliged to contend for the empire with two brothers; with the only one of whom who had any probable means of contending for the empire he with great generosity offered to share it, for the purpose of saving the effusion of human blood. He had the virtue to weep over the head of that brother, when presented to him in triumph. He forbad the march of victory to be beaten or the songs of triumph to be sounded. My Lords, this prince was too worthy to reign long in that country. He was taken off, in, I believe, the course of four or five years, by poison, and left the Eastern world to be fought for by four sovereigns, all of them successively the puppets set up and played off against one another by a monster of iniquity, Zuffelik Khan—Amilen Omrah he is sometimes called—and, at last, he reserved the most worthless of them all as the fittest tool for his purposes. That prince was Jehander Shah, who degraded the throne of Delhi with brutish and low vices, and let in the view of mankind upon pleasures and disorders which all the more decent descendants of Timur had hitherto secluded and shut out from the view of mankind. This monster exhibited in the streets of Delhi scenes that were fit for the times of Heliogabalus and Caracalla. The world soon grew sick of this monster and his protector. Two other

Succession of Behadar Shah.

Jehander Shah's cruelties.

* Gladwin's "Government of Bengal," p. 88.

14 Feb. 1792. chiefs of the empire who undertook the business of king-making—for they set up four or five puppets afterwards—set aside this Jehander Shah and raised Farouksir, who was afterwards himself blinded and deposed — and in his room, from the year 1713 to the year 1717, when Mohammed Shah was placed on the musnud by the Sikhs—that unfortunate prince, in whose reign the empire of the Moguls crumbled to pieces—there were two other princes set up, whose names are hardly worth mentioning. These princes reigned for about a year, and then Mohammed Shah was placed upon the musnud by the Sikhs, who did enjoy that empire during a long but, as it eventually proved, a most calamitous reign; for he was doomed to see the downfall of his house and empire—to see a very considerable dependant of that empire, upon the invasion of Nadir Shah, raising himself into the condition of an independent power upon his ruins.

Succession of emperors.

Invasion by Nadir Shah.

The invasion of Nadir Shah was an invasion more bloody than any except that of Tamerlane—who has been the hero of romance in modern plays. It was more mischievous to mankind, more cruel and brutal, than any, except that invasion. He describes his own character; and how far any government for a time under his protection and of his raising could answer the purpose of happiness or of reasonable and comfortable rule, we may collect from his answer to a darwesh, who asked him his object upon his entry into India. The darwesh addressed him thus—"If thou art a god act as a god. If thou art a king make the people happy and do not destroy them. If thou art a prophet lead us in the way of salvation." Nadir Shah, who knew the commission on which he came—that it had none of those objects corresponding with or promoting the happiness of mankind—answered him thus—"I am not a god to act as a god, nor a king to make the people happy, nor a prophet to lead you in the way of salvation; but I am he whom God sends to the nations whom he has determined to visit with his wrath!" This which was said by Nadir Shah is, in effect, the character of the whole government of India, from the earliest periods from which it can be historically traced.

His cruelties.

I was stating that the empire had crumbled to pieces, upon a rude attack which it had received from Nadir Shah; but, before that time, the empire had exhibited some not unequivocal symptoms of decay. A new power had started up upon the banks of the [Kistnah]—the Mahrattas, a nation

The Mahrattas.

confined within very narrow limits, occupying at the largest extent only the kingdom of Bijapoor, had extended themselves greatly along the western coast of India from Goa to Surat. This extent they attained in the reign of one who is called their founder, Sevaji. Sevaji, the founder of this Mahratta empire, died but in 1680. 14 Feb. 1792.

I should apprise your Lordships that, in stating somewhat of this, I wish to encounter an argument which was adduced by the honourable Managers, and has often been urged, that we supplanted some old, established, prescriptive, form of government in that quarter of the globe. No such thing! Every government with which we were united, or with which we clashed, was itself a crude supersession of some form of government, itself not a very ancient usurpation upon the preceding. The founder of the Mahratta government died in 1680, in the reign of Aurungzebe. The last effective Raja of this house died in 1740. So that, between the death of the first founder of that empire and the last, there passed but an interval of sixty years.

Enlargement of the Mahratta empire.

Towards the close of the reign of Sevaji, when he became infirm and unequal to the offices of government, two officers, the Peshwa and the [Pirti Nidhi], appropriated to themselves very considerable parts of his dominions, and acquired to themselves by encroachment a very considerable part of the dominions of their neighbours. The Peshwa was able to transmit, in hereditary succession, his own authority in the country about Poonah. He transmitted his own acquired and usurped power to his descendants; and in that way an authority only acquired in the year 1740, but sixteen years older than the English power in India, is the most ancient; for the Mahratta is the most ancient of all the powers that claim empire in that quarter of the globe. The Buxar Raja with several other chiefs of the Mahratta nations, descending from the mountains with vast and irresistible bodies of cavalry, appropriated to themselves large proportions of the territories [of the Mogul, and established themselves in] the north and north-eastern countries of [the empire] This was all about the period of the year 1740. The consolidated empire, if I may so call it, of the Mahrattas was dissolved, and several subsequent states rose upon its ruins about the same period.

Dissolution of the Mahratta empire.

Establishment of governments of Oude, Arcot, etc.

After the shock of Nadir Shah, the subahdar of Oude set up for himself, and transmitted an hereditary dominion to his son-in-law, Sufdar Jung, and from him to Suja-ud-Dowla

14 FEB. 1792. and the present Nawab of Oude. The Nawab of Arcot and the Nizam of the Deccan were also setting up about this period; so that, modern as our empire is conceived to be, it is within sixteen years of the oldest that exists, with practical effect and power, at this moment.

Recent establishment of other states.

I will not mention other empires still more modern—the Sikhs, the Jats, the Rohillas. Our empire is not more than sixteen years younger than the oldest of them; but it is more intitled to reverence than any antiquity of empire can be, by the benignity with which its government is administered and the happiness which its subjects enjoy under it.

Defeat of the Mahrattas by the Mohammedans.

It was not, I think, till the year 1761, that the Mahrattas received a blow which disabled them, or had deterred them, at least, from acting with any considerable joint effect for the purpose of extending their empire. At that period there was a contest between the Mohammedan power and the Hindu, whether the rulers of that part of Asia should in future be of the one race or the other. At that time a battle was fought, called the battle of Panipat, in which Abdallah, who was another prince who took possession of part of the dismembered kingdom of the Mogul empire, at the head of all the Mohammedan interest, gave battle to the whole force of the Hindustani powers in India; 200,000 Mahrattas, on that day, fell before the power of the Mohammedans. In that battle, the most brilliant success was occasioned by the exertions of our vanquished enemy, as he was afterwards, and, as he subsequently became, our conciliated, our firm and attached, friend, Suja-ud-Dowla. His gallantry in the business of that day gained the victory for the Mohammedan name; and, from that period, the Mahrattas who were principally engaged have not raised their head, either for the purpose of extending their empire or of any formidable resistance.

Distinguished efforts of Suja-ud-Dowla.

Introduction of the English power.

My Lords, I will now state the manner in which the English power was introduced into that country. And, my Lords, it was not an object to which their ambition was directed; it was not an object in which they were the aggressors in any hostilities committed; but, upon the death of Aliverdi Khan—that usurper, who had torn the sceptre from the hand of his unsuspecting and bountiful prince—the empire was transmitted to Suraj-ud-Dowla; and Suraj-ud-Dowla, as the first measure of his government, conceiving it important either to his strength or to his avarice, which had

Attack on the English settlement

been inflamed by exorbitant accounts given of the wealth of the British nation and of the merchants at Calcutta, [endeavoured] to exterminate the British force in India. I know some accounts have been given of some supposed means of offence, namely, the protection that was extended to an obnoxious subject, of the name of Kissindass. This and other such like grounds have been urged as exciting the attack, in the year 1756, upon the British settlement. But they can furnish no excuse for that wanton and cruel aggression, inasmuch as every privilege and immunity of the British nation was laid at his feet before the period when he thought proper to set out upon the cruel business of the extermination. Mr. Watts ceded to him the farman of Farouksir; and the English, at the time he chose to attack Calcutta, were perfectly an unprivileged, unprotected, race, and had no other claims than upon his mercy and clemency. If they had claims upon his mercy and clemency, they had claims which would not stand them in stead. He took that town, and, though I will not impute to him as blame all the cruelties which happened upon that capture—though I will not charge him with immuring the members of that factory in a place inadequate to sustain them—the place popularly known by the name of the "Black hole"—though I will not impute to him that intention, yet he heard the news of their dreadful fate with indifference; he did not mitigate the sufferings of the survivors, but enhanced them by every cruelty in his power. He drove them from Calcutta, to take refuge on board the King's ships lying at [Fulta]. There, amidst pestilential damps, diseases, want and filth of every kind, they drew out a miserable existence, envying the happier fate of their countrymen, who had expired a few months before in the prison I have been mentioning. There were the wretched remains of this colony of the English found by Colonel Clive and Admiral Watson, upon their arrival, in December, 1756. What they did in arms, my Lords, was an act of self-defence, and absolutely necessary to their own preservation from the extermination that was meditated, and of which intention they had had such pregnant and such painful proofs. They did what became them upon that occasion. They received a reinforcement of that strength and of that skill which enabled them, having English hearts in their bosoms, to meet the multitudes that opposed them. In that struggle of self-defence they achieved, without having it for their object, that empire that we have at this moment.

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by Suraj-ud-Dowla.

Cruelties committed by him.

Subsequent successes of the English, under Clive.

14 Feb. 1792.

Vindication of the justice of the English conquests.

And let it not be said, as it has been by men of great eloquence, by well-intentioned and honourable persons, that this was an empire wrested in blood from those people to whom God and nature had given it. Had God and nature given empire to the cruel, treacherous, Aliverdi Khan? Had God and nature given empire to Suraj-ud-Dowla? No, my Lords, God and nature give power to those to whom they attribute the adequate means and just occasions of acquiring it. God and nature had given us the means of acquiring it, for they gave us my Lord Clive; they had given us a just occasion of acquiring it, for they had placed us in a situation of defending ourselves against extirpation and destruction. I do, therefore, say that that empire was founded upon as just a cause, that the war was undertaken upon as necessary self-defence, upon as just ground of provocation, as ever impelled the use of arms upon any occasion whatever. Yet the British nation did not want to pull down this throne of crude usurpation. As it was, they entered into treaties with Suraj-ud-Dowla, until they found no faith could be kept with him—that he was equally cowardly and faithless. Then only they determined to accomplish that purpose in which their safety could alone consist. Upon this subject of his treachery I will read an extract from Mr. Stratton's letters, who states the detection of a correspondence with the French. At the very time that he was signing an amicable treaty with us, he was treating with the French for aid to extirpate us.

Their willingness to treat with Suraj-ud-Dowla.

Extract from Mr. Stratton's letters.

Mr. Stratton says,—

> "All our suspicions of the perfidiousness of Surajah Dowlah proved well founded, for we found in his secretaries' hands copies of letters
>
> . . . .
>
> to come down immediately for that he was determined to fall upon the English."*

The native government preserved under Mir Jaffier.

My Lords, the occasion, and our mutual necessities at this time, formed a negotiation between the British nation and Mir Jaffier. However, we derived no effective assistance from him, for he hung aloof in the action of that day, and evidently waited either to hail us as victors or to crush us if vanquished. So much and to that extent is the obligation which the English nation have to Mir Jaffier for their introduction into that country! However, it seemed wise, and wise it unquestionably was, in the then situation of affairs,

* No copy of the letter here quoted has been found.

for Colonel Clive to continue that form of government, which had obtained in the country, to which their prejudices had in some measure attached. At least, he thought it not wise immediately to assert, on the part of the Company and the British nation, a claim to empire, as immediately acquired by their own sword. He, therefore, determined upon sustaining, in the person of Mir Jaffier, the country government, as it had been administered in the time of Suja-ud-Dowla and the antecedent [princes]. The event of that day, the battle of Plassey, was such as reflected eternal honour upon our arms; and, for all real purposes of dominion, effectually vested in the British nation the government of that country; making us responsible for it to all other powers, who considered us as at the head of it, and obliging us to take under our charge and protection the interest of that prince whom we chose to set upon the musnud.

Treaty arranged with Mir Jaffier.

The treaty made at that time with Mir Jaffier certainly did not sufficiently provide for the British interests. There was, I think, a large sum allowed to the Company, as an indemnification for their expenses, and Mir Jaffier engaged to be at the charge of the maintenance of all the troops while in the field; but, except they were in the field, this treaty made no provision, and, therefore, as Mir Jaffier wanted to elude everything that was burdensome, it was not his business to call the troops into the field, but to saddle the Company with the constant maintenance of the force which they must necessarily keep up for their mutual preservation; he contributing as little as he possibly could to the fund necessary for the maintenance of that force. His conduct with respect to that—his treacherous conduct in negotiating with the Dutch—for he began a negotiation with them for the introduction of their power from Batavia, for the purpose of a sort of counterpoise to the power of the British—his negotiations with the Shah Zada, the eldest son of the Emperor, then hanging with a considerable force upon the skirts of the province of Behar—all were of a nature extremely inimical to the interests of Great Britain: and, more than all, his improvident expenses, which disabled him, and his negligence, which made him indifferent, to supply the forces with that pay which was necessary, in order to keep British forces in the field, brought on a crisis in our favour, in which it became necessary to consider whether that large proportion of power which had been entrusted with Mir Jaffier, with a view certainly, in the persons who

His treacherous conduct.

14 FEB. 1792. entrusted him with it, to the promotion of the British interest, could, with a view to the same interest, be safely there left.

Sudden death of Miram, son of the Nawab of Bengal.

About that time, when the English troops were in the field, in order to resist any attack that might be made by the Shah Zada upon the province of Behar, when they were in the field under Colonel Caillaud, an event happened which, I own, I always conceived had happened in the ordinary course of natural events, until I heard it insinuated, by the honourable Manager* who opened this prosecution, that it was ascribable to human means, and with more amazement heard it insinuated that it was ascribable to British means —that it was ascribable to the commander representing the British nation then in the field; and, by a wicked communion in that crime, the honourable gentleman beside me was in some sort glanced at. I had not conceived that there had existed in any human mind a suspicion that an event, so purely the result of natural causes, was attributable to any other. However, it has pleased the honourable Manager to state that this happened under circumstances which made it impossible that it should have been the result of natural causes, but that it must necessarily have been produced and occasioned by human wickedness.

Insinuations respecting it expressed by Mr. Burke.

Account of Miram.

I do not know whether I have before stated or sufficiently introduced it to your Lordships who this Miran was. He was the eldest son of the Nawab of Bengal, Mir Jaffier, and called the future Nawab. He was at that time in the field with his father's troops, extremely popular with those troops, and, as suggested by the honourable Manager, a sort of bar to the then rising pretensions of Cossim Ali. [It was further suggested] that it was convenient that such a bar as an adult son opposed to the ambition of an intriguing usurper should be removed out of the way, and that he was removed out of the way by other than the intervention of natural causes. The language of the honourable Manager was—"Miran lying asleep in his tent, suddenly, without any one's knowing it—without any alarm or menace in the heavens ever being heard or mentioned, without any one whatever being hurt or alarmed in the camp, is killed by a flash of lightning." After that, Mr. Lushington, who was at that time interpreter with Colonel Caillaud, is described as coming in "with his hair erect" to tell the General a piece of news "which was shortly after to

Mr. Burke's description of his death.

* See the Speech of Mr. Burke in opening the prosecution, vol. i. p. 60.

give him so much pleasure." These are, I believe, correctly the terms in which what I was observing upon was stated. 14 FEB. 1792.

Now is that historically true? There are many gentlemen in this country who were in the camp of Miran on the night of his death, who remember that, so far from its being a night when there was no alarm or menace in the heavens, it was a night of the most tempestuous horror that, in all the time that they were in India, where scenes of that sort are more frequent than in this more temperate climate, they ever remembered. I have endeavoured to find whether there be any kind of suggestion or hint, near or more remote, that should have raised the suspicion which seems to have tainted the honourable mind of the right honourable Manager. I am sure it must be somewhere, because he has a mind that would not cherish such kind of suspicions without cause. My Lords, I can find it nowhere! But I do find a single historical account of the accident, in a work which has been but lately translated and published, and of which I have a better translation than that in print—the work of [Seid Gholam] Hussein Khan. He is a writer of no mean description nor meanly descended; he is himself a considerable jagirdar, a gentleman of great respect for decency of manners and character, very well known, I believe, to a great number of persons in this country, and, what is more, he had the means of knowing the fact which he relates, for his father was the minister of the Shah Zada at the time the Shah Zada was in the field against us, and at the time Miran was killed by lightning. I will read to your Lordships the way in which he states it—and you will see he is a great believer in predestination.

Account of the event by Seid Gholam Hussein Khan.

"As it was the commencement of the rains, and the intention of the Creator of all things was bent on vengeance for the deeds of Miran"—

Probably he points to the story of Miran having killed Suraj-ud-Dowla; for there is a popular tradition, I do not know whether founded or no, that he occasioned immediately the death of Suraj-ud-Dowla, for fear his father, who was more merciful, might have leaned to compassion and saved his life after the battle of [Plassey].

["The rainy season had set in with its usual fury; and, at the beginning of the night there fell such a violent storm of rain as obscured the world from Miran and his flatterers, and turned the luminous days of his life and prosperity into utter darkness and everlasting obscurity. It was now ten o'clock at night; but, the rain continuing with unremitting violence, he had already dismissed two or three of his favourites, such as

14 FEB. 1792. Seyd Mahmed-ghan and Himmet-ghan two men who were his intimates and always with him. Half an hour after, Miran observing that the storm and rain increased in violence quitted the spacious tent in which he then was, and went into one smaller and safer; one of those called delir-ghani-palls, or tents, which are much lower and much closer to the ground, and likewise made fast by a greater number of iron pins. As he intended to pass the night there, one of his two or three favourite women which always followed him, wherever he went, presented herself at the foot of his bed, together with a story-teller and another servant, whose office was to chuppy his limbs, as it is termed in India. But as that woman's last hour was not yet arrived, she was dismissed, and the servant entering immediately fell a handling his feet and legs, whilst the story-teller commenced his narrative to lull him asleep. God knows whether Miran really fell asleep, or whether he only waited for the angel of death with his eyes open: this much is certain, that at that very moment a threatening thunder rent the air with a dreadful crash, and the lightening of revenge and retribution, rushing down from the clouds upon his guilty head deprived him of a life which he so little deserved. He was found dead, just as he was upon his bed, without any motion at all having preceded his dissolution. Thus did he fall a sacrifice to the Divine vengeance. The flame that had burned that odious man communicated itself to the servant and to the story-teller, and burned to ashes the rising plants of the existence of those two persons.

'Beware of a bad man's company, beware:
Preserve us from that, O God, as from the fire of hell.'

The rain and storm having ceased, after some time, the servants that watched without, and whose turn it was to relieve the two others that were on duty, came into the tent, and found Miran, with those two unfortunate youths, plunged in the endless sleep of annihilation; and although such a sight did much surprise and frighten them, they recollected their minds enough to awaken some officers and some other persons, without tumult and without noise. These getting silently into the tent examined the body, and found that it had no fewer than five or six holes on the head, with six or seven streaks on the belly and back; and these looked like so many strokes inflicted by an angry whip. On the sabre which was close to his pillow, they discovered two or three holes, where the metal seemed to have run; but the wood of his bed towards his head was entirely rotten."] *

Prejudices concerning the character of the English government in India.

I do not conceive that I have wasted your Lordships' time in stating this fact. It is by no means immaterial; nor will it be an immaterial result of this trial, if many of the prejudices which have been entertained by many honourable and good persons upon the subject of our affairs in India, and the manner in which our government has been administered—the manner in which we have comported ourselves to some of the native princes and persons of the first consequence in that country—shall be a little better considered, and the cloud of misrepresentation removed.

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*. "The Seir Mutagherin; or, View of Modern Times:" translated from the Persian of Seid-Gholam-Hossein Khan.—Calcutta, 3 vols. 4to., 1789; vol. ii., p. 126.

It was not the interest—and measure it by that—of Colonel Caillaud—God forbid that such a suspicion should for a moment glance at him, even hypothetically as I state it—but it was not the interest of him or the British nation that Miran should be taken off. For, so much attached to him were the people under him, that it was absolutely necessary to march his palanquin, seven days together, at the head of his troops, to avoid mutiny, and to march them from the enemy against which they were advancing. 14 Feb. 1792.

There is another story, somewhat similar, that occurs about the same period, which the honourable Manager related to your Lordships, and of which, therefore, I conceive that I am at liberty to give the fair counter-representation. It is called the story of the Three Seals;* in which Colonel Caillaud was attempted to be implicated and, through him, Mr. Hastings, who was at that time attending Mir Jaffier, employed at the Durbar, on the part of the East India Company. The story as related is this:— The story of the hree Seals.

At that time, the Shah Zada, as I stated, was in arms and near us. Mir Jaffier, apprehensive from some correspondence which either had been carried on, or was conceived to have been carried on, between Mr. Holwell, the temporary Governor, and the Shah Zada, in virtue of these suspicions, wished to make a trial of the good faith of Colonel Caillaud, and to know to what extent, if to any, he was implicated in any such proceedings or conspiracy. He therefore induced [Chuckan], a man who is stated to have been of very infamous character, to fabricate this story of this letter. He produces a letter as if coming from a person of the name of Conderoy, who was the servant of Camgar Khan, a person of principal trust about the Shah Zada. In this letter, he is supposed to state that he will deliver up the person of the Shah Zada, alive or dead, upon receiving an assurance from the Nawab, countersigned, I believe it was to be, on the part of the English, for the payment of a lac of rupees, for achieving this mischief. Pretended scheme proposed to Col. Caillaud for seizing the Shah Zada.

Colonel Caillaud, knowing perfectly, as everybody did, when it was produced, through the medium through which it was produced, that it was a mean and shallow contrivance of the Nawab—conceiving it to be, what it was, a mere experimental fiction—did put his name to this paper, and everybody gave Colonel Caillaud credit for the integrity of Assented to by Col. Caillaud.

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* See the Speech of Mr. Burke, vol. i. p. 52.

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Inquiry ordered by Directors.

his motive — those, at least, who knew him, did. The story reached England. An inquiry was directed. Colonel Caillaud was then upon the coast; he was directed to come round to Bengal to have that inquiry instituted, there, upon the spot. Mr. Hastings, who at that time was a member, I think, of the Select Committee—he was a member of Council, however—would necessarily, in the course of office, sit upon that inquiry.

Groundless assertion of Mr. Hastings' complicity.

Mr. Hastings, your Lordships recollect I stated, was at that time an attendant upon the Nawab, generally; following him, as being the Resident at the Durbar, and residing with him in the nature of an ambassador. It had been suggested that Mr. Hastings had been present on the night when this paper was signed by Colonel Caillaud; and it had even been suggested by somebody that he had interpreted upon that occasion. Mr. Lushington was applied to, and he, first of all, dropped these words, which raised the only doubt—that he "did not know whether Mr. Hastings was not that night attending the Nawab's Durbar:" not stating him to be present—not insinuating that he had in any manner assisted in it. This is the whole basis upon which the superstructure of suspicion applied to Mr. Hastings has been erected.

Fact established of Mr. Hastings not having been present at the durbar.

When Mr. Hastings was about to take his seat as one of the committee that was to inquire into this, it occurred as a matter of decorum, inasmuch as these words had been used by Mr. Lushington, to inquire into that matter, and to see whether there was any kind of communication with that business at all to be connected with Mr. Hastings; because, if there had been in the remotest degree, it would not have become him, from motives of delicacy, to have sat upon that inquiry. Captain Knox was called upon, who swore, with clear, full, recollection, that Mr. Hastings was not present. General Caillaud asks Mr. Hastings himself, upon his oath, which he desired might be administered—and, if that which he swore was not true, then consequently he would be guilty of the foulest subornation of perjury, and Mr. Hastings of the grossest perjury—he asks him whether he was attending the Durbar that night. He says, to the best of his knowledge, he was not there; but is perfectly certain that, if any such transaction as that alluded to had passed, it could not have escaped his memory. Mr. Lushington retracts all doubt upon the subject, and becomes convinced that he was not there; and, when every party is perfectly satisfied in mind

that that which had been incidentally mentioned respecting the presence of Mr. Hastings was entirely unfounded, then only did Mr. Hastings take his seat as one of that Council to form the inquiry. 14 FEB. 1792.

If it had rested there, and there had been no further inquiry, the honourable Manager would have had better warrant for his suspicion; but the Company instituted, upon the subject of Colonel Caillaud, a further inquiry; and upon that inquiry acquitted, in the fullest and most extensive manner, Colonel Caillaud of any blamable motive whatever, and, as a testimony of their approbation, applied to his Majesty to confer a mark of distinction upon him, in order to salve the wound drawn upon him by this improvident inquiry. His Majesty was pleased to confer the rank of Brigadier-General. And there, I believe, the subject was closed, and no human creature had a thought of resorting to it again, till, something occurring concerning it in the inquiries of the Committee of the House of Commons, it fell under the observation of one of the honourable Managers, who directly asserted that this was "a mock trial and delusive acquittal." These are the words the honourable Manager applied to this transaction.

Acquittal of Colonel Caillaud.

This matter, it seems, bears no very near reference to anything before your Lordships, but, inasmuch as it has been asserted—or rather insinuated; for the honourable Manager certainly, from the evidence before him, could not take upon him to assert it as a fact—but, he having insinuated it, it became me to repel the insinuation, and to restore it to its original nothingness.

The circumstance unconnected with any of the charges.

About this period, the vices of Mir Jaffier's government had become so great—such was his insolvency, such the unpaid condition of our troops—that it was necessary for Mr. Vansittart, then recently arrived from England, to take some effective measures for the purpose of putting the Company's affairs, and the government which Mir Jaffier immediately administered, into a situation of security. It was necessary to devolve a considerable portion of authority, which had been before committed to Mir Jaffier, upon the shoulders of some abler and fitter person. It was difficult to select such person from the household immediately of Mir Jaffier—indeed it was not possible to do it. He had three sons, who have, indeed, all of them, successively, sat upon the musnud, but they were none of them of sufficiently adult age. It was necessary for them to look about for a person

Misgovernment by Mir Jaffier.

Reasons for committing the administration of the province to Cossim Ali Khan.

14 Feb. 1792. who had talents equal to that situation, and whose rank in the country might conciliate the prejudices of the people to him. It was thought at that time that these requisites met in the person and character of Cossim Ali Khan. At that time, the cruelty which afterwards stained his character, his treachery, his avarice, had not sufficiently developed themselves. He had been recently of signal use to Mir Jaffier and the Company, by the timely advance of money to pay the mutinous troops. The act here was essential to the preservation of Mir Jaffier's life, and to the existence of our power in India. These merits and this apparent fitness pointed him out to Mr. Vansittart as a fit person to receive any part of that power which should be taken from Mir Jaffier. If Cossim Ali Khan could have been induced to have undertaken the government merely as naib subahdar, with a limitation in his favour of the government-in-chief upon the death of Mir Jaffier, which was the terms Mr. Vansittart was obliged to make with him — if he could have been induced merely to have undertaken it as a deputy, representing Mir Jaffier, without any stipulation for a succession—then certainly so much was unnecessarily taken from the house and lineage of Mir Jaffier. But it was impossible, it seems, to induce Cossim Ali to come forward and undertake the government under such perilous terms; for he would have, of course, subjected himself to a great deal of odium, and have laid himself open to the future vengeance of others, at the period when his delegated power should be determined; he, therefore, in the stipulations, secured himself and his successors to have more ample power upon the death of Mir Jaffier.

The vices of his character unsuspected.

Mir Jaffier, when it was announced to him in what manner the Company wished to have delivered up to Cossim Ali the executive government of the country, in right of Mir Jaffier, and after his death in his own right, knowing much better than we the real intrinsic character of Cossim Ali, knew that he should have but few steps from the throne to the grave. He therefore wisely did, upon that occasion, what in the event turned out essential to his safety. He divested himself of his station, committed himself without fear to the protection of the British nation, and instantly went and resided as a private person at Calcutta.

Resignation of Mir Jaffier.

Cossim Ali, who unquestionably had talents for government, was too soon alienated in affection and inclination from the British nation. Some disputes did arise respecting some

Alienation of Cossim Ali Khan.

rights claimed; and, as I humbly conceive, at this distance of time, one may discuss the subject without prejudice, and with a sobriety of judgment which a remoteness from the period gives one. Claims were set up, on the part of British subjects in India, not warranted by the terms of that farman under which they claimed. That was the principle subject of the difference between Cossim Ali and the servants of the Company. The terms of the pharman conveyed to the English a right of free export and import of goods, for the purpose of the Company's trade, by shipping. It did not convey to them—for your Lordships will recollect the period of time when this was granted: it was the time when the Company managed the trade by the intervention of a few agents resident at Calcutta—it was a distortion of the terms of the treaty to apply it to the situation in which we then stood in India, and to the privilege, not only of export and import trade, of which there was then no dispute, but to the privilege of all the internal trade in the articles of the growth and consumption of the country. But that of salt was the principal subject of difference between them. The Company contended that their dastak was sufficient to pass the goods of the English, duty free, without any dastak from the officers of the government of that country.

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Causes of dispute with the English.

Now, in all the disputes that have obtained, from the beginning of our settlement in India up to the present time, I do not find any one in which the English nation has been so palpably wrong as they were in that dispute with this most atrocious tyrant, and for whom, therefore, hardly any one has ever opened a mouth to offer one syllable of vindication. The latter acts of his government cannot be vindicated: they violate every right of nature and of nations: not a word can be said for him. But, in the origin of the dispute upon this subject respecting the English dastak, I humbly conceive that those gentlemen, who, with Mr. Vansittart, upon that occasion, were for narrowing the use of it merely to the Company's trade, leaving the other trade which the servants of the Company should carry on liable to visitation and control, certainly contended for that sense of the farman which is the fair construction it bears. However, the dispute respecting this subject grew to considerable warmth.

It is to the credit of Mr. Hastings—and here almost begins his political life; he was deputed to settle certain disputes which had taken place between the gentleman then at the

Endeavours of Mr. Hastings to arrange the

14 FEB. 1792. disagreements.

head of the factory at Patna, Mr. Ellis, and the Nawab—the laborious pains he took to conciliate these persons to each other, and to prevent the calamities that ensued. The moderation, diligence and temper, of Mr. Hastings upon these occasions are monuments to his praise, in that book in which many of the transactians of this period are recorded, I mean, the Narrative of Mr. Vansittart upon the subject, which took place in his government, respecting the disputes between Mir Jaffier and [Mr. Ellis].* There was certainly some degree of provocation administered to the mind of the Nawab. He was jealous, and had, perhaps, early formed a project which he had not courage to execute, but which he harboured, perhaps, in his mind, of endeavouring to curtail very much the power of the English, if not to expel them from India. The disputes increased; they were more and more inflamed; and, at last, it was thought necessary that there should be a meeting between Mr. Vansittart, the Governor and the Nawab, upon the subject of the subsisting treaty. Mr. Vansittart desired the assistance of Mr. Hastings, to accompany him upon that occasion; and they went together and formed the treaty which has been distinguished by the name of the Treaty of Monghyr. By that treaty, Mr. Vansittart and Mr. Hastings conceded to the Nawab that the true sense of the farman extended only to the Company's trade of export and import; and that the internal trade in the provinces ought to be under the controul of the country government, and liable to the country duties. The too great precipitation of Cossim Ali, who endeavoured to carry this treaty into its full effect before it had received the immediate confirmation and sanction of the Board, the impatience and haste of the gentlemen of the Council to give that treaty an immediate counteraction and opposition, the disputes that followed respecting false dastaks that were offered to the officers of the Nawab, and the resistance that was openly given to his country government, brought on a contention of force. But, before that time, the gentlemen at Calcutta despatched as ambassadors to Mir Cossim and Sumeroo, Mr. Amyett and Mr. Hay, two gentlemen of the Council, to represent to Mir Cossim that they insisted upon

Treaty of Monghyr concluded with Mir Jaffier.

Remonstrance with Mir Cossim against his

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* Mr. Ellis was appointed chief of the Company's factory at Patna in the autumn of 1761. The account of his dispute with the Nawab is given in "A Narrative of the Transactions in Bengal from the year 1760 to the year 1764," by Henry Vansittart; 3 vols. 8vo., 1766; vol. i., p. 290.

his withdrawing an order which at that time he had published, namely, that all duties should be taken off the commodities of his country, and that there should be a trade in his country duty free; a measure to which he was driven by the pertinacity of the English Company, who insisted that their goods should be exempt from all duty, they being a sort of imperial trader; and, by the sale of that privilege to others, they virtually monopolised the whole trade of Cossim Ali's country. It seemed there was no other way of obviating it than by levelling at one blow all the duties whatever, and letting in all mankind to an equal participation in the benefits of his commerce. It had the effect of immediately introducing, as it naturally would, a prodigious flow of commerce into his country—a great quantity of goods from other countries; and was likely, considered only with a view to his own country, to be a measure productive of great advantage to him. But it was a measure so destructive of the English immunities, claimed in that unwarrantable extent to which, I conceive, they were at that period claimed, that the gentlemen of the Council peremptorily insisted with the Nawab that he should set up again those duties, in order that they might enjoy again their old immunities; and, for the purpose of so insisting, the two gentlemen whose names I mentioned were sent as ambassadors to the Nawab.

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Order for abolishing all duties on goods within his kingdom.

While they were in the discharge of this embassy, some boats with arms being seized by the Nawab, and a rash attempt to seize some [deserters] by Mr. Ellis, brought things to a crisis, in which the English arms and the arms of the Nawab were opposed to each other. But, before Mr. Ellis had retired from the discharge of his embassy, he was cruelly massacred in cold blood by the orders of Cossim Ali. From that moment no terms were kept or were to be kept with Cossim Ali. All the divided members of the Council were instantly united against that person who had commenced his career of self redress—I will call it—by an act of such atrocity, and a violation of every law of nature and of nations.

Conflict with Mir Cossim's troops.

Murder of Mr. Ellis.

Mr. Hastings, who had uniformly opposed these demands, being founded as it appeared to him in injustice, at this moment felt that the cause of his country required him to abandon the further protection of Cossim Ali—of a person who seemed to have forgotten every principle of justice. He had intended, when the war broke out which he saw was

Abandonment of Cossim Ali's cause by Mr. Hastings.

14 FEB. 1792. approaching, and which he thought would have ended by the sudden overthrow of Cossim—for so meanly had they deemed of his force—to have withdrawn himself; but commencing, as it did, with such a scene of blood and wickedness, he determined to abide by the British interest till the last moment in which he could be useful to it. And, upon that occasion, as in every future one, he lent his best assistance to his country in its utmost need, and whenever that

His minute. country had a call for that assistance. I cannot express his sentiments and feelings upon that occasion so well as he has expressed them, in a consultation upon that subject.

"It is long since I foreboded that our dispute with the Nabob would terminate in an open rupture; [but as from the ill opinion which I had of his strength I expected that our contentions with him would be of a very short duration, nor otherwise affect the interest of the Company than in the further ill consequences of a broken and disordered state, and as I had not the same tie upon me with the President with respect to any military charge, it was my resolution as soon as war should be declared, to resign the Company's service, being unwilling on the one hand to give authority to past measures which I disapproved, and of a new establishment which I judged detrimental to the honour and interests of the Company; and apprehensive, on the other, that my continuance at the Board might serve only to prejudice rather than advance the good of the service, in keeping alive, by my presence, the disputes which have so long disturbed our counsels, and retarding the public business by continual dissents and protests. But since our late melancholy advices give us reason to apprehend a dangerous and troublesome war, and from the unparalleled acts of barbarity and treachery with which it has opened on the part of the Nabob, it is become the duty of every British subject to unite in the support of the common cause; it is my intention to join my endeavours for the good of the service, not as long as the war shall last but as long as the troubles consequent from it may endanger either the Company's affairs or the safety of this colony. On the same principle, and to remove every appearance of disunion among ourselves, I will freely set my hand to the declaration published by the Board, though I still abide by the sentiments which I have all along expressed in the measures taken in the course of all our disputes with the Nabob here, by confirming all that I have declared in my former protests and minutes,]* which stand upon record in our consultation."

Insinuations of his continuance of connection with Cossim Ali.

It has been insinuated—whether with a purpose to disadvantage the cause of Mr. Hastings I will not say, but however it evidently has a tendency so to do—that he was the peculiar favoured object of the Nawab's protection, at the very time when he was denouncing war against the British nation. There certainly was no reciprocity of sentiment between

* Minute of Mr. Hastings, 8 July, 1763.—Printed in the Third Report from the Committee to inquire into the Nature, etc., of the East India Company, 1773; Appendix, No. 59.

them upon that sort of subject. The conduct of Cossim Ali seems to be dictated by a degree of gratitude towards a person who had, in the course of his intercourse with him, treated him, as he has done every person in power in that country with whom it was his lot to act—with the utmost conciliation and respect. Letters directing respect to the goods or persons are the letters upon which the Managers rely, as imputing a corrupt communication with Cossim Ali. Your Lordships see how readily he enlisted himself in that public cause—when it became one; how sturdily and manfully he continued in it, till, by the flight of Cossim Ali, [the Company's ascendency was completely established]. 14 Feb. 1792

That war did not last a long time. The talents of Major Adams, aided by Colonel Carnac and Colonel Munro, soon drove Cossim Ali from the provinces, and obliged him to take shelter with Suja-ud-Dowla. And afterwards, when that prince was defeated at the battle of Buxar, when he was taught to entertain a meaner opinion of his own prowess and that of his troops than he had heretofore had, when Cossim Ali was obliged to take shelter under the wing either of some stronger power or in some place more remote from the British vengeance, at that time, Suja-ud-Dowla, perceiving his country overrun by British forces, perceiving his vassal, Bulwant Sing, in arms in the field, transferring those arms to his adversary, and when he saw by imperial sanads the province of Benares transferred to the British Company —at that moment, Suja-ud-Dowla thought that the British nation, though they would not forgive aggressions such as Cossim Ali had been guilty of, yet that they would forgive a person opposed to them in open war, trusting to their generosity, humanity and clemency. Perhaps I accelerate this topic; I am not quite certain whether it happened before Mr. Hastings' departure from India. I think it did happen just before the period of his departure. I will therefore for the present only mention this—that Mr. Hastings, having taken no indecisive part in the troubles that had recently exercised that Government, it is to the credit of his manliness that he made no enemies upon the occasion; it is to the credit of his moderation that, in a situation in which such large sums were accumulated, in the shape of presents made at the time by Mir Jaffier to the gentlemen instrumental in raising him to the musnud—a matter which I shall neither praise nor blame; because there does seem to be a considerable degree of allowance to be made for those

War with Cossim Ali.

His overthrow.

Mr. Hastings' conduct.

Credit due to him for not having received money from Mir Jaffier.

14 Feb. 1792. who, after enduring much and risking all, had at last placed their country in an eminent situation of prosperity and advantage; there is much allowance to be made for them, if they were desirous of appropriating some part of the advantages they were so largely acquiring for the Company to themselves: but that allowance which I am so willing to make for others Mr. Hastings stands in no need of:—at the time when so many millions, either in the shape of restitution for losses, of presents, or in other ways, were transferred from the country government to the English—at the time when sums are stated, to the amount of more than 1,200,000*l.* —you do not find a single penny of all these sums ascribed or ascribable to the account of Mr. Hastings. And it was upon that circumstance that the noble Lord, then in supreme trust of the British affairs, rested himself principally in his recommendation of him, in full Parliament, for the situation of Governor General. He stated him then as being the only flesh and blood which had resisted temptation in the infectious climate of India. I say that, as it is to the credit of his manliness that he bore no temporising and undecided part in those disputes—as it is to the credit of his moderation that he made no enemies—so it is to the credit of his disinterestedness and generosity that he returned to this country with a fortune of singular mediocrity.

His intention of retiring from public life, on his first return to England.

Upon his return here, instead of doing, as the honourable Managers state—intriguing for advantage, so little was that the temper and bent of his mind, that at that time he meditated a retirement from the active situation of public duty to the easy repose of an academic life. And it was owing to the opinion which some gentlemen, who had then the principal management of our affairs at home, entertained of his faculty and fitness to remedy some of the abuses beginning to exist abroad, that he was once more thrust into the busy scenes of life from which, as I have stated, he had meditated for ever to retire.

Events in India during his absence.

I will shortly run over some of the events of the intervening period, between the beginning of 1765, at which time, I think, Mr. Hastings returned to England, and the year 1772, when he returned to Bengal as Governor and President, because they bear a continuing relation to the measures of his government, to which I will shortly draw the attention of your Lordships. I had got, somewhat out of its place, the length of stating to your Lordships that Cossim Ali, driven out of the provinces, had taken shelter with Suja-ud-

Dowla; that Suja-ud-Dowla, after the battle of Buxar, had recourse to the British generosity and clemency for his protection. 14 FEB. 1792.

The English, as called upon by every principle of policy, proscribed Cossim Ali, who massacred a great number of British subjects, who had, upon the faith of treaty, put themselves into his hands. That outrage was never, upon every principle of reason and policy, to be forgiven. It is the policy of this country that the person of every British subject in that country should be held sacred. Consider by what a handful of men—a few adventurous travellers from an unknown and distant land—are the people of that country controlled and governed. To suffer one unpunished instance of such outrageous insult to the British name and British feelings, would be to dissolve that potent charm, made up of admiration and fear, and superstition, by which the eastern world is fascinated and subdued into an acquiescence in the dominion of these bold and adventurous travellers from a distant country. If that charm is once dissolved, if they can be once brought to believe that the standard of revolt could be reared with success against the British dominion, at that moment our dominion in that country is at an end. The same reason that dictated it, as a measure of persevering policy, to proscribe him, in every treaty with every power in India, made it necessary to preclude from the return into his dominions the zamindar of Benares, after he had, with too formidable effect, reared the standard of revolt and rebellion against his bestowing, generous and protecting, masters.

Massacre of Englishmen by Cossim Ali.

Necessity for punishing the outrage.

Proscription of the zamindar of Benares.

I have stated that Suja-ud-Dowla, feeling himself humbled in power, had recourse to the British generosity and clemency for protection; and that, in the hope he reposed in that generosity and clemency, he was not disappointed. Colonel Carnac opened the way, and it followed afterwards, upon the arrival of Lord Clive, to that sort of treatment of Suja-ud-Dowla which has, I conceive, reflected the highest lustre upon the generosity and policy of the British Company. This letter is dated the 22d of May, 1765.*

Clemency towards Suja-ud-Dowla.

"Hearing that Sujah Dowlah was drawing near, I sent Captain Swinton with Rajah Shitabroy to meet him. He arrived in the evening, on the opposite side of the river, and immediately crossed it with his brother-in-law Salar Jung, and a very few followers, in order to wait upon me. I

Letter of Colonel Carnac.

* Printed in the Third Report of the Committee on the State of the India Company, 1773; Appendix, No. 85.

14 Feb. 1792. received him with all possible marks of distinction, [at which he expressed much satisfaction. He appears, however, a great deal dejected at his present condition, which must bear very hard upon him; and he must find himself without resource; or being, as he undoubtedly is, the most considerable man in the empire, and of an uncommonly high spirit, he would not have submitted to such a condescension. It will in my opinion greatly add to the English name throughout the country, our behaving with generosity towards a person who has all along a high reputation in Hindostan."]

Attachment of Suja-ud-Dowla to British interests.

In this idea, Lord Clive and the gentlemen who had the administration of the British affairs in India were not disappointed. They ventured to reckon upon the gratitude and generosity of a conquered prince, as the basis of an alliance and the securest foundation of future amity. They were not disappointed in this generous sentiment. From the moment he was received back, in confidence of his promises and regard, to his dominions, he was uniformly the faithful and effectual, though at one period—rashly, as I conceive—the suspected, ally of the British nation. His force from that moment became our's. He became a powerful barrier on the north; keeping the Mahrattas from us and every other power that might assail us from that quarter, and consolidating in point of power with the British nation.

Treaty of Allahabad.

Lord Clive arrived too late to have any objects upon which his great mind was fittest to act. There was little, indeed, left for him to do, at the time he arrived, except forming the treaty that he then did with Suja-ud-Dowla. The acquisition of the diwani was what might have been attained by anybody, for it had been repeatedly offered to Colonel Munro, Colonel Carnac and others. At that moment, it occurred to him as beneficial to assume it at once, by direct grant from that power which gave at least authority and sanction to the grant—from the Mogul empire; and at that time was formed a treaty, to which Suja-ud-Dowla, the King and Nujem-ud-Dowla, who had then succeeded to the Nawabship of Bengal, were parties, by which there were secured to the Nawab an allowance of twenty-six lacs a year, and Corah and Allahabad as a residence, for his royal domain. Fifty-six lacs were to be the Company's indemnification for the expenses of the war.

Inclusion of Bulwant Sing in the treaty.

This treaty of Allahabad embraced likewise within its scope a person whose services had to some degree been useful, inasmuch as, by the treachery he had shown his master in the field of battle, he had weakened that master, and had, therefore, given fuller and better effect to our arms;

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I mean Bulwant Sing, who, being in Suja-ud-Dowla's army with troops, withdrew that assistance from him, and, though he did not actively transfer it to the English—for no such obligations we can acknowledge to him—yet he crippled and weakened his master's force, by the doubt he infused into his mind whether that force would act for or against him.

Bulwant Sing, for services of the complexion I have stated, was thought proper to be comprehended in the treaty. Bulwant Sing had done us no effective service. He had come to our camp, and, in a moment when he thought it unsafe to remain there, had fled from it; and he had come back, upon the faith of promises which our Government at Calcutta, in regret, declared they wished had never been made. That man, however, it was thought fit to include in this treaty of Allahabad. And what was secured to him by it? Why, that he should be continued to be the renter of Suja-ud-Dowla, as he had heretofore been of the East India Company. When I say he had been heretofore of the English Company, I am adverting to the moment when we had obtained by imperial sanad a grant of the revenues of Benares: and in that he was confirmed, and no more—a renter under Suja-ud-Dowla. What the duties were this man owed at that period he has, I think, shown, for he was in the field with troops; and, though he used those troops against his master, which is a proof of his treachery, it is at the same time an argument of the sort of subordination in which be stood to that master and the duty he owed to that sovereign.

Confirmed as renter of Benares to Suja-ud-Dowla.

Bulwant Sing was included in this treaty. Fifty lacs were to be be paid as the expenses of the war. Of this fifty, twenty were soon after paid by a contribution from Bulwant Sing, thus restored under the dominion of his old master, and owing that former master, in virtue of his sovereignty, a contribution, according to his exigencies, in time of war. I have stated that the treaty was made with Suja-ud-Dowla and his heirs. This is a treaty of the sort which, according to the law of nations, are considered as real treaties, as distinguished from personal treaties, the obligation to which expires with the persons contracting. It was a treaty, therefore, which intitled Suja-ud-Dowla and his successors in the government of Oude to take full benefit of every stipulation made in that treaty with Suja-ud-Dowla

Contribution of twenty lacs from Bulwant Sing to Suja-ud-Dowla.

The treaty available for Bulwant Sing's heirs.

14 Feb 1792. himself. Whether at a future period that faith was kept with Suja-ud-Dowla, or whether, in consequence of the councils which at that time obtained at Calcutta, the treaty was scandalously and flagitiously broken, will be a subject for your Lordships' subsequent consideration, when you come to consider of that matter. I am endeavouring only now to press upon your Lordships the terms of the treaty; and that it is a treaty in which every successor of Suja-ud-Dowla in the dominions of Oude is interested, as much as he himself. That treaty, says one of the writers on the law of nations—"is one of those continuing treaties which they call real, in contradistinction from those which are meant only to procure a present convenience to the parties."

Demand upon Suja-ud-Dowla, in 1768, to limit the number of his troops.

Soon after this, Lord Clive returned to England, and the government of Bengal was in other hands. It occurred to some people, in the year 1768, to be alarmed at the growth of that power in Suja-ud-Dowla, which, in effect, was the growth of our strength; and they sent up an embassy upon as foolish an errand as ever an embassy was sent upon, since there existed the character of ambassador. There was an embassy sent up to him to desire him to limit the number of his forces to 30,000, and only 10,000 of them to be disciplined in the European manner. Considering that Behar was opposed, towards the north, both against the Mahrattas and the Rohillas, and other powers, it was cutting down our own fortifications, from an idle panic of I know not what. However, the gentlemen who went up state that they effected an interview with Suja-ud-Dowla, and they had reason to be satisfied. What sort of satisfaction they had I neither know nor wish to know; certainly, the errand was a very foolish one, for there existed no evil to be afraid of. The force Suja-ud-Dowla kept before continued to be kept up, and was kept up without any injury to the British interest, but rather to their advantage, confirmation and strength. He never reduced his force; we never complained of it. It was an idle, ill-conceived, suspicion, which vanished as soon as the embassy which was made the pretence of it was over.

Management of the revenues of Bengal committed to Mohammed Reza Khan and others.

About this period, when the diwani was ceded to us, it was thought prudent to invest the persons who were entrusted with the nizamut, or the general civil administration of the country, with the administration of our revenues; and three persons were selected as joint ministers, as persons

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in whom that trust could be fitly reposed. Mohammed Reza Khan was selected for the extent of his talents, his great acquaintance with financial matters, and his great fitness for the eminent station in which he was placed. There were joined with him Raja Dulub Ram, from some effectual countenance given us at a previous period, and Juggut Seiad, of an unfortunate and eminent house in India, was selected, from a recollection of the sufferings his family had undergone from the ravages of the country by Suffdar Jung. But the superiority of Mohammed Reza Khan was such that the whole power had settled and subsided in his hands.

Commencement of Mr. Hastings' government, 1772.

I will not trouble your Lordships by pausing very long upon the incidents which occurred at that interval between the acquisition of the diwani and the arrival of Mr. Hastings in India. He had been appointed, I stated, in 1771; and actually took possession of the government about April, 1772. In that period of time, the fortune of the Company and the prosperous situation of its affairs had, from various causes, become desperate. In a time of profound peace, the revenues of that country had become inadequate to defray the expenses of our civil and military establishments and the expenses of our investment; nay, more, we had contracted a debt to the amount of one kror twenty-five lacs of rupees— a funded debt, which was hourly increasing by the accumulation of interest upon the principal. We had drawn upon Europe bills to the amount of considerably more than a million. Every department of the state finance, civil and military, was getting out of joint; and, indeed, there wanted a general system to arrange and regulate the whole. This system and, in short, all the remedies which the disorder of that time required were applied by the same hand by which the government of that country was, in other still more perilous moments, again sustained.

Derangement of the revenues.

Repaired by Mr. Hastings.

In addition to the difficulties of that period, the Company's provinces were drained of their circulating specie by the station and payment of the brigade in Allahabad, beyond the provinces. By the treaty of Allahabad, a sum of twenty-six lacs a year was to be paid to Shah Alem, the Emperor. There were stationed beyond the provinces, in Allahabad, a large body of British forces, which, being there paid, operated as a reduction of so much more likewise of the floating, current, specie of Bengal. These two drains of specie out of the provinces, added to other embarrassments of the time, occasioned a situation of very peculiar difficulty. Insolvency,

14 Feb. 1792. both at home and abroad, stared the Company in the face. No other means could, at that crisis, be devised for saving the British interests from the wreck that was about to be made of them, but the appointment of that gentleman, who occurred to the Directors as the fittest, from the qualities which he had exhibited while at Bengal, and which he had exhibited in his employment on the coast, when second at Madras. There was no other measure which occurred to them as likely to be so immediately productive of the salvation of the Company, as removing him from his humble situation to the chair of Bengal.

Aggravation of distress from famine.

All our difficulties had been aggravated by the sorest affliction that can attend the human race—I mean, by the ravages of famine, which had reduced to the utmost extremity and misery the inhabitants of those provinces. In addition to all these difficulties, it occurred to the Company at home, upon those light rumours and suspicions that have been often infused into the public mind from the press, and in various other modes, to deem very ill of the character and qualities of Mohammed Reza Khan, the person then in principal charge of their financial concerns in India. He had been represented by publications from the press as the author of all those calamities, which, with equal justice, we have heard attributed to Deby Sing at this bar. There was a publication of Mr. Dow's at that time which states this; and I will read it to your Lordships only to show the similarity which exists in the misstatement of the characters of the one and the other. This, after occupying two years of slow, progressive, deliberate, inquiry, was found to be perfectly unfounded, in every iota. I will read the sort of charge which was made upon him in the publication of Mr. Dow—against the English name, and the name of Mohammed Reza Khan, as connected with it.

Distrust of Mohammed Reza Khan excited in the Directors.

Misrepresentations against him in Dow's Hindustan.

"Year after year [brought new tyrants, or confirmed the old, in the practice of their former oppressions. The tenant being, at length, ruined, the farmers were unable to make good their contracts with Government. Their cruelty to their inferiors recoiled, at length, upon themselves. Many of them were bound to stakes and whipped; but their poverty ceased to be feigned. Their complaints were heard in every square of Moorshedabad; and not a few of them expired in agonies, under the lash. Many of the inferior tenants, reduced to despair, fled the country, hoping to derive from other despotisms that lenity which our indolence, to speak the best of ourselves, denied. Those that remained were deprived of the small stock necessary for cultivation; and a great part of the lands lay waste. Every governor thought it incumbent upon him to keep up the revenues to their former

pitch; but, in spite of the permitted cruelty of Mahommed Riza, they continued every year to decrease. It could not have happened otherwise, unless Heaven had wrought miracles] as a reward for our virtues." * 14 FEB. 1792.

This is the statement and account given of Mohammed Reza Khan and his administration of the country. This is the account given of the groans that were heard and lashes inflicted in the streets of Moorshedabad. These instances form the strongest claim upon the public mind, to guard itself against that credulity that listens to tales of woe. Would your Lordships believe that not one word of this is true? It is a lie of hell! Not one tittle could be brought to apply to Mohammed Reza Khan. Mohammed Reza Khan was prosecuted, under circumstances which disabled him from looking for any favour from the Company or protection of their servants; for, upon this publication and a letter privately sent home to Mr. Gregory, then in the Direction, intimating that he had a concern in the purchasing grain and occasioning the misery of famine the preceding year, the Directors communicate this letter to their servants, and in a private letter to Mr. Hastings, dated August, 1771, they commit this letter to his confidential care and management. And now I come to this letter, which is the foundation of Mr. Hastings' employment of Nundcomar. It was in obedience merely to the orders of the Company, and not a selection for corrupt purposes, as your Lordships may have been taught to believe.

Prosecution of Mohammed Reza Khan.

Letter of the Directors to Mr. Hastings, ordering proceedings against Mohammed Reza Khan.

These are the orders of the Company, founded upon a representation, that had been received in this letter, of his participation in the monopoly of grain which had occasioned a famine before and the sort of calamities which had been represented, which induced the Company to order him to be deprived of all authority in the country, and to be brought down, himself, together with his whole family and all his dependants—for to that extent did the order go—prisoners, to Calcutta.

"By our general address, you will be informed of the reasons that we have to be dissatisfied of the administration of Mahomet Reza Khan, and will perceive the expediency of divesting him [of the rank and influence he holds, as Naib Duan of the kingdom of Bengal. But, though we have declared our resolution in this respect to our President and Council, yet, as the measures to be taken in consequence thereof might be defeated by that minister, and all enquiry into his conduct rendered

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* "Inquiry into the State of Bengal," p. xcvi.; prefixed to vol. iii. of Dow's "History of Hindostan."

14 FEB. 1792. ineffectual were he to have any previous intimation of our design, we, the Secret Committee, having the most perfect confidence in your judgment, prudence and integrity, have thought proper to intrust to your especial care the execution of those measures which alone can render the Naib's conduct subject to the effect of a full enquiry, and secure that retribution which may be due, on the detection of any fraud, embezzlement, or collusive practice, in his publick or private transactions.

"In order, therefore, to make him amenable to a due course of justice, and to prevent the ill consequences which might result from the resentment and revenge which he may conceive on the knowledge of our intentions, we hereby direct and enjoin you (immediately on the receipt of this letter) to issue your private orders for securing the person of Mahomet Reza Cawn, together with his whole family, and his known partizans and adherents, and to make use of such measures as your prudence shall suggest for bringing them down to Calcutta; and it is our pleasure that they by no means be suffered to quit the place, until Mahomet Reza Cawn shall have exculpated himself from the crimes of which he now stands charged or suspected, or shall have duly accounted for the revenues collected by him," etc.]*

Your Lordships will be adverting, I dare say, to the comparative lenity of arresting Cheyt Sing. This was a man of superior rank, and having the controul of everything which was the subject of the government of the British nation.

Now, under these orders, Mr. Hastings had a situation of peculiar trust and delicacy conferred upon him. He was obliged, in sifting the conduct and character of Mohammed Reza Khan, to use the active malignity of Nundeomar. For that purpose, he was obliged, the while, to hold out to him that apparent confidence which might enable him to execute the functions which were committed to him; at the same time knowing, as he knew by the recorded infamy of this man many years before, that he was a person who could be with no safety trusted. The character of Nundcomar was not then for the first time blazoned and discovered. The book that I have in my hand, Mr. Vansittart's Narrative, published in 1776, eight years before the period when this man stood forward the accuser—I might almost say the suborned accuser—of Mr. Hastings, states his character to be such that no person, upon his own selection, would have employed him or ventured to have handled or touched him: nothing but the peremptory commands of the Company, conveyed in that letter, could have induced Mr. Hastings to have given a moment's countenance to such a person.

Instructions to employ Nundcomar in the prosecution.

His infamous character.

I will state the character described of him here, because

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* Printed in the "Minutes of the Evidence," p. 793.

much obloquy has been cast upon Mr. Hastings, as if he had voluntarily selected this man as his agent, and only thrown discountenance and discredit upon him at the time when he stood forward as his accuser. My Lords, this man, at the time when Mir Jaffier was restored to the musnud, struggled hard to be appointed to the situation of prime minister to Mir Jaffier; but, so jealous were the English then of the bad qualities of Nundcomar—so fully apprised of the mischiefs of his character—that the several minutes entered upon that occasion detail them; and Mr. Vansittart announces to the Company his despair of being able to break off the newly appointed Nawab, Mir Jaffier, from the pertinacity with which he clung to Nundcomar. There were several minutes entered about the period of July, 1763, at the time the Nawab had expressed his wish to have Nundcomar appointed his minister. Mr. Hastings, among the rest, was of opinion, with the President, with regard to Nundcomar's character, that he was a person very unfit to be trusted in such a situation. Mr. Vansittart, in his letter home, announces this as a particular danger that pressed upon his mind, and that threatened the security of the Nawab's affairs. He says,—

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Refusal of the English to appoint him minister to Mir Jaffier.

"I think it my duty to acquaint you, at the same time, with what observations occur to me on the present state of the country. Meer Jaffier being again in possession of the government, it is my wish he should be supported in it as long as he lives. This was also my wish before, but I found it impossible; and now again, if some timely precautions are not taken, I am apprehensive that you may soon find yourselves under the same difficulties. The Nabob's incapacity for business is universally acknowledged. He should endeavour to make up for that deficiency by appointing men of experience and character to manage the different branches; but he seems rather to incline to throw himself into the hands of those who flatter his weakness, and take advantage of it. We are assured that Nundcomar has, at this time, the entire disposal of the Nabob's will, and of all the affairs of the provinces, of which the consequence will be that we shall continually be amused and perplexed with his arts and intrigues. We shall be told of the schemes of the King and the Marattas, and all the chiefs of the empire, and what weight and interest he has with them. We shall be obliged to keep a large army constantly in the field to guard the province against designs which never existed, by which our military expenses will absorb the most part of our revenues, and the Nabob will be led into an extravagant dissipation of his money to foreign powers, to indulge the pride of his minister, and at length, being unable to fulfil his engagements and pay his own troops, will fall again to ruin."*

Letter of Mr. Vansittart.

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* Letter of Mr. Vansittart, Governor, to the Council of Bengal, 19 December, 1763.—Printed in the "Narrative of Transactions in Bengal," by Henry Vansittart, vol. iii., p. 416.

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My Lords, this shows in what estimation the intriguing and mischievous qualities of this man were held by the Government in the year 1764, eight years before the new Government arrived—this man, whom Mr. Hastings, under the orders of the Company, for the purpose of discovering the supposed malversation of Mohammed Reza Khan, was directed to employ, and employed upon this inquiry, but detected nothing. And, at last, Mohammed Reza Khan, notwithstanding all these reports which had been circulated from Europe, and the inflammatory publication I have stated, was honourably acquitted of every species of charge.

Acquittal of Mohammed Reza Khan.

At the very moment of time when Mr. Hastings was obliged to be using the assistance of this man, in a letter that he writes in September, 1772, he immediately announces to the Company what his suspicions of Nundcomar were—what his fears — what his previous knowledge; and, in short, describes him as he is described here, and had been believed to be by all mankind, in all antecedent time; and that at a period when, according to the opinion of the honourable Manager, there existed no motive for so stating him, but when he ought to have been hugging him to his breast as his affectionate friend and the immediate servant of his most valuable interests!

Suspicion of Mohammed Reza Khan expressed by Mr. Hastings in a letter, in 1772.

My Lords, he uniformly so stated and spoke of him. In a letter, eight months before the arrival of his nomination as Governor General, under the Act, in 1773, he reprobates his character in the most strong and forcible language. He states himself to be disappointed in all the use he was supposed he might be of to him. He suggested no beneficial discovery, but always suggested some falsehood, which, upon being pursued, ended in uncertainty; or, at least, never produced anything which could be proceeded upon as a ground of crimination against Mohammed Reza Khan. I mention this, to show that the same opinion was entertained of him at periods long antecedent to when it was thought fit to use him as an instrument. Mr. Hastings, not only upon that occasion, but upon another, has stated, even upon oath, in the course of the trial of Fowke and others, what was his opinion of this man, and his inducement ever to employ him. Mr. Hastings is asked—had he not any connections with Nundcomar? He answers—"I certainly had, that is to say, I employed him upon many occasions; I patronised and countenanced him, but it is well known I never had an opinion of his virtue and integrity. I believe he knew I

Similar expressions of opinions on other occasions.

His opinion of him given on the trial of Fowke.

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had not. I beg to add, that, when I employed him as an instrument of government, I might have other motives on which I relied than his integrity. I had other motives; but I think it necessary for my own character to declare that I had the orders of my superiors to employ him." Your Lordships recollect those secret, confidential, orders which he was not warranted to disclose, even to the Committee of Circuit who were acting with him, and that he was obliged to put a false gloss on the character of this man, not avowing the truth for his employing him at all. This was sent home to the Directors, who perfectly understood that, in giving a temporary countenance to Nundcomar, he only gave him this countenance because it was their orders that he should do so with a view to give him efficiency in a service in which they wanted to employ him.

Effect of the secret orders of the Directors to employ him.

The character of Nundcomar, as it was afterwards more fully blazoned, had not very imperfectly appeared, as I have stated, so early as in the year 1764. In the general letter sent from home, dated the 22d of February, in that year, about the period of time of the letter of Mr. Vansittart, which I read from his own Narrative, there is this argument:—

> "From the whole of your proceedings with respect to Nundcomar, there seems to be no doubt of his endeavouring by forgery and false accusations to ruin Ram Churn; that he has been guilty of carrying on correspondence with the county powers, hurtful to the Company's interests, and instrumental in conveying letters between the Sha-zada and the French Governor General of Pondicherry; in short, it appears he is of that wicked and turbulent disposition that no harmony can subsist in the society where he has an opportunity of interfering.*

Ill opinion of Mohammed Reza Khan expressed by the Directors, in 1764.

It is much to regretted that the India Company, entertaining and having reason to entertain this opinion of this man, should at any time afterwards think proper to put any gentleman in the situation in which Mr. Hastings was placed, when obliged to act with such a miscreant.

I thought it necessary to state this, in order to obviate the impression endeavoured to be given to a minute of Mr. Hastings, in which, when acting under the secret orders unknown to his associates, he gives a gloss to the character of this man; but which the Company were not deceived by, because they knew he had their own confi-

Gloss given to the Mohammed Reza Khan's character by Mr. Hastings.

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* Extract from the Company's General Letter to their President and Council; dated 22d February, 1764—Printed in the "Minutes of the Evidence," p. 998.

14 FEB. 1792. dential, private, orders in his pocket so to employ this man. Therefore, I think, after this secret and confidential letter to Mr. Hastings, in virtue of which he was acting when he entered that minute of apparent commendation of Nundcomar, that, after it was known and published, it was not perfectly proper to have urged that minute against Mr. Hastings, as exhibiting a picture of his real sentiments and opinion in respect of this man.

Comparative treatment of Mohammed Reza Khan and Cheyt Sing.

In reading that letter, I took the liberty of drawing your Lordships' attention to the comparative treatment of Mohammed Reza Khan and Shitab Roy—of their treatment, upon this loose suggestion, as compared with the treatment of Cheyt Sing at a future period, when put under a mere nominal arrest, for clear manifest acts of disaffection and contumacy towards the British power, at that moment of its extremest exigency, when it was questionable whether we maintained on the coast of Coromandel a foot of territory, and whether we should continue to hold that depended upon the assistance that should be given us by every dependant on the British empire. Here are men drawn from their homes several hundred miles, to endure a trial at Calcutta, upon those charges from the Company for which there stood forward nobody to vouch—charges loosely suggested in this way. I beg your Lordships to contrast that conduct with the mild and gentle conduct applied to the zamindar of Benares, for such contumacy as he had, during a course of years of grinding necessity, exhibited; when he was only put under a nominal arrest, for the purpose of showing that the Company were proceeding in a course of inquiry, and would induce some punishment for that contumacious conduct.

The Company's resolution to be their own diwan.

About the period I stated, when there was this inquiry into the conduct of Mohammed Reza Khan, the Company announced to Mr. Hastings that they meant in future to stand forward as their own diwan. That was, to take their financial government out of the hands of their official agents and administer it by their own servants. The detail of the collections was a subject yet unexplored. Mr. Hastings addressed himself to that inquiry with so much diligence, he has detailed the subject with so much perspicuity, he has introduced into the confused mode of keeping the accounts so much regularity and order, that it was the object of universal praise in the year 1773, when the affairs of the Company were under consideration, and formed,

Merit of Mr. Hastings' report on the accounts.

together with those I have mentioned, one of the principal inducements for the Parliament of Great Britain to appoint him to the station of Governor General. 14 FEB. 1792.

It was necessary, before any arrangement was made of the revenues, that there should be an inquiry into the nature of the lands, and into the sufficiency of the zamindar, and his ability to yield the sort of rent that was required of him. The Committee of Circuit was appointed for this purpose. The voluminous reports of that Committee were the means of enabling the servants afterwards, and Mr. Hastings immediately, to frame and communicate a system upon which we act principally to the present hour. Reports of Committee of Circuit.

Mr. Hastings first had it in contemplation, finding that there were supervisors, to continue the same sort of officers, under the name of collectors. And that which he ultimately adopted was, in the first instance, the means to which he looked for the purpose of settling the revenues and bringing down to the seat of political government the seat of financial collection—to make them both the same and bring them both down to Calcutta. That was the first plan; and, though he afterwards deviated from that plan in the erection of provincial Councils, yet it was with a view to obtain that knowledge which might render that which was the primary object of his plan ultimately beneficial to be adopted. That I may not be understood to be stating at hazard that Mr. Hastings had it in view to bring down the collections of revenue and the adjustments of accounts from Moorshedabad to Calcutta, and to make all financial collections centre there, I will state a letter to your Lordships, in which he announces such to have been his intention and the resolution of the Committee of Circuit:— First purpose of Mr. Hastings to move the collectious to Calcutta.

"It was unanimously resolved," he says, "to adopt the plan proposed by our President and members of the Committee of Circuit at Cossimbazar, for removing the seat of the revenue business to the Presidency, and for putting this important branch of your affairs under the immediate management of our Governor General and Council."* His letter on the subject.

Now, Mr. Hastings has been arraigned for the change of his plan in this respect—that he did adopt provincial Councils; and the crime alleged against him is, not that he adopted them having first intimated an idea that the settlement of all revenues at Calcutta would have been better, but that, having His adoption of provincial Councils, and subsequent abolition of them

* Extract from General Letter of the President and Council of Calcutta to the Directors, 3d November, 1772.—Printed in the Sixth Report from the Committee of Secrecy, 1773.

17 Feb. 1792. once adopted them, he thought the original system a better and that he ultimately reverted to it. Is a change of sentiment criminal? Was it like any crime? The crime would have been in adopting the regulations respecting the provincial Councils; for his first thoughts approved the settlement of the collection of the revenues at the Presidency, and his last resolution centered in that measure. If there is any crime, it is in the intervening measure. The first and the last are at this moment continued, with the full approbation of Lord Cornwallis and of every member of every succeeding Council. And there is not a gentleman who can be adduced at your Lordships' bar who, upon a fair comparison of that system with the relative advantages of the several systems of collection of revenue by individual collectors stationed at the provinces, and of provincial Councils, will not readily give the former the preference, as two able servants, Mr. Shore and Mr. Anderson, have already done at your Lordships' bar.

System of collection at the Presidency justified.

My Lords, it is a crime, it seems, that Mr. Hastings, at one period of his government, was so convinced of the propriety of appointing provincial Councils that he thought it might be advisable to establish them by Act of Parliament. The whole of that, taking it at the utmost, amounts to this, that, at one time, Mr. Hastings entertained a conviction of the propriety of that system, which conviction he was afterwards dispossessed of.

Advantage of provincial Councils as a preparatory measure.

The provincial Councils did answer many purposes of convenience in the interim, and by way of preparation for the more mature system of collection at the Presidency. It sent a considerable number of the servants of the Company into the provinces; it sent them into a new school, to learn a new lesson. Finance was a subject of which they were perfectly unapprised at that time. Almost the whole knowledge of the subject was confined to the single bosom of Mohammed Reza Khan, who had recently been dispossessed of [his office]. We were unacquainted with the modes of collection, unacquainted with . . . .
But the provincial Councils had their criminations and recriminations—their minutes, votes, quarrels—their dissensions—every vice that afterwards disabled the effect, in a great measure, of the principal government of that country. Their institution was afterwards found to be with a view to the benefits to which Mr. Hastings looked; and, having acquired, by the intervention of the provincial Councils, that quantity of

information which he wished to acquire, it became matter for the adoption of that system which he ultimately adopted; and the only alteration that has been made in it has been in a matter of doubtful utility, and which, perhaps, had better not have been made—I mean, by giving as its president, a member of the Supreme Council, so that that which has become the peculiar business of one has ceased to become the general business of all. And, though that gentleman has, I dare say, discharged the office adequately, yet I conceive it would have been better to have subjected the whole of the conduct of that Board to the inspection and controul of the Supreme Council at Calcutta. Nearly about this time, two sources of very considerable revenue, which had hitherto sunk into the pockets of private individuals and had been the source of very great emolument to them, were wrested from those individuals by Mr. Hastings and appropriated to the public—I mean, the revenues arising from salt and opium; which at present—that of salt alone—in the years 1789 and 1790, netted this appropriate revenue—as far as the public is concerned, of his own sole creation—of no less a sum than 86 lacs of rupees. By this single act, a sum of 860,000*l*. a year—which is more than all the money that is paid, I believe, for interest upon bond debt—more than all the money that is paid by the Company in the shape of interest in Europe—was, by this single act of Mr. Hastings, taken from the accumulations of individuals and added to the wealth of the Company.

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Revenues from salt and opium secured to the Company by Mr. Hastings.

CONTINUATION OF THE SPEECH OF EDWARD LAW, ESQ., COUNSEL FOR THE DEFENDANT IN OPENING THE DEFENCE UPON THE SEVERAL ARTICLES OF THE CHARGE; 17 FEBRUARY, 1792.

17 FEB. 1792.

Comparison of early governments of India with that of the English.

MY LORDS,—When I had last the honour to appear before your Lordships, I ventured to occupy a considerable portion of your time by a detailed account and comparison of the successive governments of India, from that period when we become first historically acquainted with it, down to those times in which those governments more immediately mix and blend themselves with the concerns and interests of this country.

My Lords, I thought myself not only warranted but required to lay this relation before you, in order to remove some undue impressions which have been made upon the public mind by a contrary and, as I conceive, very unfounded representation of the principles and practice of those governments, to the comparative disadvantage of the British establishments in India. My Lords, I conceived myself warranted, indeed, by that concern which every member of the community has in the general character and estimation of his country;—required, as representing upon this occasion the gentleman at your bar, who, having borne for so many years so eminent a share in the administration of that government, could not be unaffected, either in fame or feeling, by any odium which might be cast upon it; and upon whose head all the accumulated vices and abuses which have, at any time, been supposed to exist in that country have been heaped with no very sparing liberality.

Topics introduced by the Managers not in the Articles.

My Lords, however incorrectly these topics may have been handled on either side—whatever unfair inferences may have been drawn from supposed topics *in medio* between us—yet, inasmuch as there is an appeal to the fair, genuine, uncorrupted, text and page of history, those inferences or those misrepresentations are not, upon the present occasion, very much the subject of my complaint. But, my Lords, there are other topics, not introduced by way of prefatory matter or necessary illustration—topics introduced in the grave

and serious form of criminatory charge—topics for which, if I find no place for them in the Articles before you, if I find no place in that which existed as a fair, credible, document, at the time that the statement was made which appears to be drawn from, or, in some measure, to be connected with, that document, I have, on the part of the accused person, some reason indeed to complain. My Lords, I shall be very readily understood to allude to that which I will call the very shocking and atrocious fable of Deby Sing.

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Statements respecting Deby Sing.

My Lords, every accuser, I conceive, before he states at a public bar any criminatory matter whatever, ought, in the first place, to have reasonable and probable assurance that the matter he so adventures to state is true. In the next place, he ought to have reasonable and probable assurance that that matter which he so states is applicable to the party against whom he makes such statement. And, lastly, he ought to have all that assurance which the best lights of his own understanding, the best acquired information that is accessible to him, can convey to him, that he shall have an opportunity to verify by proof that matter which he so undertakes to state, and that the adverse party, against whom he so states it, shall have an opportunity by counter proof to repel that accusation. Now, all these circumstances, which ought to constitute the foundation of a legitimate charge, are wanting upon this occasion.

Made without warranty.

In the first place, the honourable Manager who introduced this subject to you stated to you, that he had acquired the knowledge of that which he was communicating by the perusal of only the last fourteen days; and, allowing that that perusal was as accurate and the attention given to it was as intense—and I have no doubt it was—as that which any human mind could apply to that subject, yet, the hasty perusal—for hasty, from its volume, it must be—of so much matter must necessarily not enable that honourable person to state it with that assured confidence of its truth which only would warrant the statement.

Hasty perusal of the information by the Manager.

But that honourable person, in looking at the volume from which he stated it, must know that the very facts that he asserted as unquestionably true were at that moment denied; were at that moment under trial; were at that moment employing the diligent investigation of the Governor General and Council; that parties were at issue upon it; that it was a thing in so questionable a shape that no man, with that tenderness which honourable people feel—and I

The circumstances denied, and under investigation at the time they were asserted.

17 Feb. 1792. dare say that honourable Manager feels as much as any man —for the character of a neighbour, even in an ordinary transaction and in the common intercourse between man and man, would have ventured to state it, with any degree of positive assertion of its truth. How much less in a criminal charge, with this mark of doubt annexed to it; when it was at that moment in inquiry; when it was uncertain whether it would not be falsified in every particular! I cannot reconcile it to my own ideas. They may be defective. They are not a rule of government, perhaps, by any means, for others. But to my own ideas of justice and humanity I cannot reconcile it, to state that as a fact which was at that very moment peremptorily denied, and under trial whether it was true or not.

Refusal to produce the statements as a formal charge.

I will not now—for I am precluded by the course of your Lordships' proceedings—state any thing respecting the truth of that allegation. I did, when the honourable Manager stated it, at the earliest opportunity that I had for doing so, request—earnestly request and beseech—that that which he so ventured to state might be reduced into the regular, authentic, form of a charge; that Mr. Hastings might have an opportunity of redeeming his fame from an imputation much more grievous than any that had been thrown upon it by the detailed scope of the whole Articles put together. It was not my petition only; it was the petition—and earnest petition—of the gentleman at your bar, applied to that body which might have given him relief, beseeching that he might have a substantial form of charge, which he might grasp and with which he might grapple. My Lords, that favour has been denied us; and we are now, therefore, at this moment, precluded, by your Lordships' decision that the matters of Deby Sing had no foundation in the charge and did not admit the Managers to proof—we are precluded from any counter proof upon that subject: we cannot discuss the particulars of it; the injury is done to us for ever: the constitution has no remedy for it.

Effect of the assertions on the public mind.

My Lords, I know that such is the nobleness of your Lordships' natures that unproved assertions will not pass for proof; that the only effect that these assertions will have, will be in exciting in your minds that sober degree of indignation and abhorrence with which one hears any unauthorised charge in the course of any accusation—not only unauthorised, but which cannot be substantiated according to the terms and form of the charge. I know it will have no other

effect in minds so constituted; but, with the vast and important mass of the community, who do not reason with the delicacy and refinement which your Lordships' minds are accustomed to—with many of them, the seal of our condemnation is put for ever; for they will not—so are they accustomed to deem, and so I hope they always will deem, of that honourable body whom these gentlemen represent—they will not believe that they would deliberately state at your bar, not only that which they had not credible reason to believe to be true, but which they had not adequate forms to substantiate in proof, and a charge to sustain that proof. 17 Feb. 1792.

My Lords, I will therefore take my leave of this subject, not being permitted to discuss it in detail, inasmuch as the honourable Managers have been so precluded from it. But I do lament that this instance has existed of a crimination loading a party with imputations from which he cannot redeem himself by any means that the law knows; hoping that this, as it is the first instance of such excess, so it will be the last of such excess in matters of accusation.

History of Mr. Hastings' government.

My Lords, having disposed of this topic, I will now recur to that period of the history of Mr. Hastings' government with which I closed, at the time when I had last the honour of addressing your Lordships. Your Lordships will recollect, Mr. Hastings had, in the year 1772, taken upon him the government of Bengal. He had found existing in the government of that country some defects; and he had found our finances in a state of derangement which certainly required every relief which his judgment and his industry could apply. My Lords, I do not mean to throw any blame upon the gentleman who preceded him in the administration of our public affairs in India; it is enough for me, that the affairs were then in such a situation that it occurred to the Company, as the best means of retrieving them, to send that person who they thought had the best talents suited to the purpose, and to address those talents to that work; and it occurred to Mr. Hastings to adopt several regulations, which I have already mentioned to your Lordships, respecting the revenues.

Derangement of finances previous to his assumption of the government.

I think, when I closed, I was beginning to state to your Lordships that he had added a resource of public revenue which had hitherto constituted only a source of private emolument—I mean the profits arising from salt. The appropriation of this fund to the use of the Company began, originally, in the administration of Mr. Hastings. Its effect

Interference with Mr. Hastings' plan for managing the salt revenue.

17 Feb. 1792. was suspended by many interfering regulations introduced by the Council-General, who afterwards assisted him—by many interfering regulations and, as I would say, deteriorations of his plan by the Company themselves; and it had, at last, fallen into such decay that, in the year 1780, there was required a new plan, of the sole formation of Mr. Hastings, to reinvigorate this source of revenue, and to make it beneficial and effective to the public. That plan was then given, and the fruits of that plan have been a continually increasing revenue, increasing in large proportion, and attaining, in the year 1789–90, the sum of eighty-six lacs, or 860,000*l.*, net revenue, added to the resources of the Company.

Success of new plan introduced by Mr. Hastings in 1780.

Revenue from opium.

In the same period, about the year 1772 or 1773, when Mr. Hastings first acquired this source of revenue for the Company, he added another, which had unquestionably, till then, been alone a source of private emolument, I mean that of opium. In the year 1789–90, the profits to the Company arising from this article of opium amounted to seventeen lacs, that is, to 170,000*l.* These were additions to the revenue which Mr. Hastings immediately made. When I say this, I do not speak of the amount, but these were the sources of addition which he immediately devised for the benefit of the Company.

The Emperor's league with the Mahrattas.

At that time the King, to whom, under the treaty of Allahabad, not only Corah and Allahabad had been reserved as a royal domain for his residence, but an annual stipend of twenty-six lacs a year—the King, having thrown himself into the arms of the Mahrattas, deluded by some visionary project of being restored to the throne of Delhi, had transferred to them and their use that territory of Corah and Allahabad which had been appropriated to him for far other purposes. He had become their ally or their prisoner, but I believe he had willingly thrown himself into their hands, under the seduction of the lure of being replaced on the throne of his ancestors; and that added to their resources the twenty-six lacs, a year, which had been given to him by the Company, and the land of Corah and Allahabad, which had been assigned to him for his residence. It became, in prudence—it became, in justice, necessary for the Company to resume a grant so extremely misapplied. What he acquired by the treaty of Allahabad was certainly the pure gift of the Company. It was not what had been previously taken from him, but was, as your Lordships will recollect, severed from the territory of Oude; constituting, at the time

Forfeiture of the stipend and lands given him by the treaty of Allahabad.

The lands a part of the territory of Oude.

of the treaty of Allahabad, a solid and substantial part of the dominions of Oude; being taken from Suja-ud-Dowla, at the time we remitted to him the rest of his territory, and added to the King. It occurred to Mr. Hastings to resume these dominions of Corah and Allahabad, as well as this allowance. The allowance of twenty-six lacs a year added a further relief to the Company, in being spared the issue of that money, and likewise added to the advantage of the country government; for, that sum of twenty-six lacs being annually paid without the limits of the Company's provinces, was a continual drain of that specie which, for the benefit of the country, was necessary to circulate through the provinces. 17 Feb. 1792.

Mr. Hastings acquired, not only these twenty-six lacs, but the territory I have mentioned. The territory it would not be convenient to hold in the Company's own hands. It had been laid down as a rule, pretty invariably adhered to, that the Company should not extend its territories beyond the limits which they obtained at the period of 1765, when the treaty of Allahabad was made. It was therefore thought prudent to transfer this territory—a border territory, a frontier territory, essential to be in strong hands, for the maintenance of our provinces of Behar and Bengal—to Suja-ud-Dowla, who was best able to maintain the gift we made him. When I say a gift, it was accompanied with the condition of the payment of fifty lacs, which furnished an immediate resource to the distressed affairs of the Company, and which, added to another fund I shall mention, constituted the first immediate fund for the Company's distresses.

The lands made over to Suja-ud-Dowla.

At the same time, Suja-ud-Dowla had been invited by the people of the Rohilla country to come to their protection against the Mahrattas, who had at that period begun to invade that country. Suja-ud-Dowla applied to the English to assist him in defending his territories, and ours, and those of the Rohillas, from the invasions of what would then be a common enemy, the Mahrattas, who were endeavouring to get possession of Corah and Allahabad, endeavouring to gain possession of the Rohilla country, and to penetrate into the Duab. Mr. Hastings conceived that it became him, in a due regard to the preservation of the Company's interests, and particularly with respect to its frontiers, to accede to this proposed alliance between himself, on the part of the Company, Suja-ud-Dowla and the people of the Rohilla country. He was to lend the assistance of British arms to Suja-ud-Dowla; and Suja-ud-Dowla stipulated with the

Assistance given to Suja-ud-Dowla to protect the Rohillas against the Mahrattas.

Forty lacs to be paid

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to him by the Rohillas.

Rohillas for the payment of the sum of forty lacs to him, in consideration of assistance to be lent them against the Mahratta invasion. That assistance was yielded; but, even in the very moment when Suja-ud-Dowla was in the field, to sustain the Rohilla country against the attack of this invading power, the Rohillas, not only stood aloof and did not protect themselves from the danger from which they had desired the arm of others to protect them, but entered into alliance with the very power against whom they had prayed the assistance of Suja-ud-Dowla. However, the Mahrattas were repelled, and on the expiration of somewhat more than a year, spent in variety of applications to the Rohillas for the payment of that sum which they had stipulated to pay as the price of the assistance, that sum not being rendered, Suja-ud-Dowla thought himself warranted in demanding, in virtue of a guarantee signed by the Commander-in-Chief of the British forces, Sir Robert Barker, the assistance of the English nation to compel the Rohillas to perform this treaty.

The payment evaded.

My Lords, I will not at the present moment prosecute this subject further—for I shall have occasion to revert to it by and by—than to state, that, in consequence of the stipulation between Suja-ud-Dowla and us, to pay us the sum of forty lacs for our assistance against the Rohillas, that assistance was, in virtue of our guarantee and that application of his, yielded; and that that sum of forty lacs, added to the fifty lacs I have before mentioned for Corah and Allahabad, constituting the sum of 900,000*l.* English money, formed the first essential relief for the Company's affairs. Your Lordships have one sum of relief in the subduction of the King's salary of 260,000*l.* a year, and an immediate sum of 900,000*l.* When I say "immediate," I know that it was not paid, as one may ordinarily say, upon the nail, but that it found its way into the public exchequer in the due course and order of payment.

Relief obtained to the Company by payments received through these transactions.

I will now state to your Lordships what is the present amount of the funds acquired by Mr. Hastings—for I will not take credit for the subduction of sixteen lacs a year from the Nawab's salary, inasmuch as that was immediatly under the peremptory orders of the Company—but during his government. Including that sum, for which I do not take credit as means and resources furnished by him, we were, in the year 1789, receiving no less a sum than 1,450,000*l.*, immediately procured for the distresses of the

Amount added to the revenue by Mr. Hastings.

Company by the gentleman now at your bar. Of this, I stated before that sixteen lacs were under the orders of the Company. 17 Feb. 1792.

Other additions by retrenchments.

This was not the whole, or by any means the whole, of the resources he devised for us, or the means of retrenchment that he suggested; for the means of retrenchment were themselves, to a very large amount, a very productive source of revenue to the Company. He beset himself to regulate all the financial, to regulate all the military, to regulate all the judicial, concerns of the Company; and, in the short period of somewhat more than two years, that had intervened between his accession to the chair and the arrival of the new government from England, he had achieved every object the Company could wish to have achieved for them in respect to finance, and in respect to internal and external security. The military savings amounted to no less a sum than twenty-four lacs and a half a year, 245,000*l.*: the civil savings to about 235,000*l.* These were retrenchments made at this period by Mr. Hastings.

The subsidy from Oude.

There was another and continuing source of relief to the Company, and which saves the Company the expense of maintaining one third of its whole army in Bengal—I mean the subsidy from Oude. Your Lordships will recollect that, in the treaty of Allahabad, it was stipulated that we should give the Wazir military assistance, when it should be wanted for the defence of his country; but the terms upon which that military assistance should be lent were not there stipulated. At a subsequent period, when that assistance was required, a very small and inconsiderable allowance had been made for it, so as to make the Company considerably losers by that part of the connection: 30,000 rupees a month, for the brigade that was furnished him—a brigade constituting, with all its parts, about six thousand men—was the whole that was first paid by Suja-ud-Duwla. That was about the sum that was paid before 1768. After that time it amounted to, I think, 160,000 rupees. That was the limit it had obtained till the treaty of Benares, by which Corah and Allahabad were ceded, to be enjoyed by him as his other dominions of Oude had been before. I should have mentioned, as another reason why it seemed fitting that Corah and Allahabad should be re-united to the territory of Suja-ud-Dowla, that they had been before severed from it, when he had been guilty of some delinquency to the Company, and which he had thoroughly done away by subsequent

17 Feb. 1792. instances of good conduct to the Company. By the treaty of Benares that subsidy is fixed, at a certain estimate to continue for ever hereafter, at two lacs ten thousand rupees, that is, about 21,000*l.* a month. That was the sum at which it was fixed for all future time. It did receive an enhancement afterwards: and, indeed, when I am hereafter speaking of the treaty that was made with the present Wazir, on his succession to the musnud in the year 1775, I think it will be [noticed as] the only commendable article of that treaty—the enlarging the subsidy from two lacs ten thousand to two lacs sixty thousand rupees; because it is fitting the Company should be indemnified, in the largest extent, for any use made of their military assistance.

Recapitulation of additions made by Mr. Hastings to the revenue between 1772 and 1774.

I will now shortly state what were, in the period between April, 1772, when Mr. Hastings took charge of the government, and the year 1774, when the new government arrived, the resources he had furnished for the Company and the savings he had made in them, calculated as they may be at the sum they produced for the year 1789-90. There were 1,450,000*l.* There were 252,000*l.* more, by the subsidy from Oude. There were 470,000*l.* by the savings in the civil and military establishment. Altogether making the immediate acquirement or saving by Mr. Hastings of a gross sum of somewhere about two millions sterling of annual increase; besides the addition of an immediate sum of nearly a million sterling, to relieve the Company from the load of debt under which it was labouring, at the period when he took the chair at Bengal.

Obloquy thrown on Mr. Hastings for the reduction of the Nawab of Bengal's allowance.

Much obloquy has been thrown upon the conduct of Mr. Hastings in one of these measures—I mean the subduction of sixteen lacs a year from the Nawab of Bengal's salary, in the year 1773, and the consequent retrenchment that was made in every department of expense under the management of the Nawab or within the sphere of his authority. Of course, if 160,000*l.* was to defray the state and expenses, the bounties, the pensions, which were before issued from the larger sum of 320,000*l.*, it was necessary that each person who derived any supply from that fund must contribute his proportion in that general reduction—therefore the language that Mr. Hastings uses of lamentation, that he was obliged to withdraw from many who had filled considerable situations in life heretofore some part of their maintenance and subsistence, is highly to the honour of his humanity. And it is in no shape imputable to him

that that reduction was made. Indeed, as soon as the Company had stated that they would "stand forward their own diwan," it became almost unnecessary to continue the establishment; and it was an act of bounty on their part towards the descendant of Mir Jaffier, the present Nawab, Mobaric-ud-Dowla, to continue him in the state and the rank which he now holds, and which, after all, these sixteen lacs a year enable him to sustain. It was rather an act of bounty and generosity on their part than an act of hardship and extreme severity.

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The reduction occasioned by the Company acting as their own diwan.

After the Company had decided that this, which may be called the double government, that is, the government managed through the intervention of the country powers, holding them forth to the eyes of India as the effective government—when it determined that this should be discontinued, it would have been an idle waste of the public treasure to devote a larger portion of it to those services than had been devoted to it before. I will use language extremely expressive, as I conceive, of the proper sentiment that must have filled the minds of the court of Directors and the Council of Bengal at the time, thinking, as they must necessarily do, of the folly of wasting a larger sum upon a service which had ceased to be useful:—"When the reason of old establishments is gone, it is absurd to preserve nothing but the burden of them. This is superstitiously to embalm a carcase not worth an ounce of the gum that is used to embalm it; it is to burn precious oils at the tomb; to offer meat and drink to the dead—not so much an honour to the deceased as a disgrace to the surviver." This sentiment is perfectly correct, and couched in such terms of eloquence and application that I take the liberty of reading it from a celebrated publication, rather than express, in more homely terms, the same idea from myself.

But the charge is, "that, at the time he was making this reduction, at the time that you thought sixteen lacs a year, under the orders of the Company, sufficient to be devoted for all the purposes of the state of the Nawab of Bengal—all his pensions, all his services—you at that time received a lac and a half; and that you, in devouring the blood of all these nobles"—in some such language it was stated*—"have chosen to put this sum of money into your pocket. You

Charge of taking one and a half lac of rupees from the Nawab.

* See Mr. Burke's Speech in opening the Sixth Article of the Charge; 25th April, 1789.—Printed in the present volume, p. 84.

17 Feb. 1792. have been insensible to all the feelings occasioned by this retrenchment. You have made this a constituent part of your own fortune thus acquired."

I will not recur to the language in which it has been said that Mr. Hastings never made any denial of the receipt of this sum. He certainly has not. I know it has been said—I will not recur obnoxiously to the terms in which it has been said—that "there has been much folly, much insolence, upon this subject; much raving, but no denial."* It is enough that these words have been uttered; I make no comment upon them; they make their own. But Mr. Hastings did not deny it, because it was true, and because there was no call, in point of self-defence, to deny the receipt of this sum of money; because it was received upon the public account. The public had the benefit of it.

The money received on the public account.

It was a sum usually given, or expenses defrayed to a similar amount, to every person representing the public government in their visits to one another. At this moment, there is not a prince in India who would visit another prince of India—certainly none where there existed the relation of superior and dependant between them—but where the full expense of the visitor is defrayed by the person who is visited. And Mr. Hastings himself, in the year 1775, takes notice of this very circumstance to Cheyt Sing, as an advantage he would derive by being put under the English government, that he would be relieved from the charges of accommodation to the Nawab, during his residence at any place within the boundaries of the zamindary. This allowance, therefore, was no more than what a dependent prince, or even a prince in amity, makes to another prince within his boundary. I am not considering the honourable gentleman who sits here as a prince, but as representing the Sovereign of Great Britain. It was necessary, upon the same principles upon which we defrayed the expense even of the Nawab when he visited us at Calcutta, upon the same principles upon which we defrayed the expense of every other person of considerable rank—I believe, even Hyder Beg Khan's expenses, when he visited Calcutta, were defrayed by the Company—upon those principles it was just and fitting that the Nawab should defray the expenses of Mr. Hastings. Further than to the

A usual gift on occasion of a visit from a prince.

Expenses of native princes at Calcutta defrayed by the Company.

* See Mr. Burke's Speech in opening the Sixth Article of the Charge; 21st April, 1789: printed in the present volume, page 61, where the words are somewhat differently reported.

extent of defraying these expenses nobody has been benefitted, and to that extent the Company alone; for, if that fund had not been provided, that sum or a similar sum must have been drawn from the funds of the Company.

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Liberal treatment of the young Nawab by Mr. Hastings.

As to any harshness in the treatment of this young prince, the Nawab of Bengal, certainly he received none from Mr. Hastings, who took the most anxious care to regulate his concerns in such a manner, that, within the limits of that income which the Company had assigned him, within that more contracted range, he should find resources of abundance, of plenty and of dignity. The sums at which his expenses had been settled at different times, and, lastly, I believe, by Mr. Shore, all his expenses of almost every sort, faujdari adalat—his stables—in short, the necessary attendants upon him of every description—amount to about four lacs a year. Your Lordships will find it in the statement of accounts by Mr. Shore, at page 566 of [the Appendix to] your Minutes. The sum in pensions allowed to the different members of his family amount to three lacs a year. These two sums being seven out of sixteen lacs, there were between 90,000*l.* and 100,000*l.* a year to employ purely in pleasure. Now I conceive that the Company, for whose act, however, Mr. Hastings is no way questionable—for it was their pleasure that it should be reduced, and he carried that reduction into effect—treated this man with very just attention to his happiness and comfort, in leaving him an income so large, unincumbered with any other charges than those which were brought upon it by his own extravagance and folly; for that sum was left wholly and entirely to be exhausted in pleasure. I conceive, therefore, that, being relieved, as he was, from the pressure and load of government, he had attained the ultimatum of Asiatic happiness—a large income to receive, a great deal of money to waste, and nothing to do! He was exactly placed in that situation under the arrangements made by Mr. Hastings, under the orders of the Company.

Largeness of his allowances.

Mr. Shore, in page 569 of [the Appendix to] your Lordships' Minutes, mentions that several arrangements were afterwards made by Mr. Hastings for the benefit and advantage of the Nawab of Bengal, and that he could not more effectually have secured his own happiness and comfort than in adhering to those regulations. So that, after settling his income, Mr. Hastings by no means left that protecting care which he ought to exhibit to every person under the protection or controul of the Company. He, in 1781, gave such advice

Advice and control offered by Mr. Hastings.

17 FEB. 1792. and regulations for him as, if they had been pursued, might have relieved and delivered him from those embarrassments and distresses which his own improvidence and extravagance have since plunged him into.

Success of Mr. Hastings' government previous to the establishment of the Council General,

Mr. Hastings having, at this time—for I am now drawing near to that period when the Council General arrived from England — Mr. Hastings having done everything to wind up and close the bleeding arteries of profusion—having retrenched every unnecessary expense in the civil and military establishments—having added near two millions a year, upon the present calculation of income, to your resources in Bengal—having added a million sterling to the fund which was to relieve you from your present distress, in discharging your debts—having settled upon the best foundation every political, financial, civil and commercial, regulation—had raised the affairs of the Company and his own fame to that eminence from which it required all the counteraction, both at home and abroad, all the efforts of an able, active, confederate and hostile, majority, during a great part of the remainder of his government—it required all this in any manner to remove him.

and subsequent to his recovery of power.

For, even at last, under all these disadvantages, and the added embarrassments and disadvantages of many European and many Indian wars, he left the country, on the 15th of February, 1785, restored to that situation of peace, plenty, order and security, in which he had originally placed it, at the period of his first salvation of the British interests in India, in the year 1774, just prior to the landing of the Council General.

Prejudices imbibed by members of the Council.

My Lords, the Council General of Bengal arrived on the 19th of October, 1774. It is to be lamented that some of these gentlemen, unquestionably of very liberal and honourable minds—of purposes extremely devoted to the interests and the welfare of their country—should have suffered those honourable minds of theirs to be perverted, and themselves to be diverted from those purposes, by prejudices very industriously and very mischievously infused into their minds, about the period of their arrival, by other persons of less respectable description.

Their frivolous complaints on first arrival at Calcutta.

My Lords, the commencement of their share in the government was querulous enough. I think, before they had taken their seats at the Board, they began to complain that their arrival was announced by a less complimentary discharge of ordnance than they had expected. Other foolish

and frivolous complaints of that sort seem to have been made before they met in Council—before they broke ground in those decided acts of hostility with which they instantly commenced the career of their government.

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Hesitation of Mr. Hastings in accepting office under the new establishment.

On the 25th of October 1774, they met in Council. Mr. Hastings had desired a delay of a few days, for the purpose of considering whether he should take the part assigned him in the new constitution of things in India. He knew that the minds of these gentlemen had been corrupted by studiously infused prejudices. He saw many untoward appearances, many things which told him he should meet with that opposition, that degradation and those insults, which he so soon experienced. Meditating and foreseeing all these things, with that firmness with which he had endured that irksome situation in Council, in the year 1764, at the period I have already stated, when the war with Cossim Ali broke out, when he was associated with persons adverse, in all antecedent opinions, to the war that was then breaking out, yet, as he would not desert the interests of his country in what he conceived a situation of imminent peril, he would not, in the year 1774, abandon that country which he had raised to such a state of prosperity. He would not abandon those interests which he had fostered and protected, and which had thriven under his hands, to be blasted by the rashness, the improvidence, or the ill designs, of others. Though he expected and actually experienced every species of insult that is galling to the spirit of a man, though he staid there to have his power entirely wrested from him, and to be every moment reminded that it was so by the most poignant affronts and indignities, nevertheless, he so endured. He knew his country had a stake in his efforts which he would not suffer to be lost by any feelings of his own. He, therefore, endured degradation and insult—every thing that is galling to the mind of a high spirited man: he stayed that he might save. He, by staying, did save and protect that which is now by his means the empire of Great Britain.

Patriotic motives in retaining office.

Attacks on Mr. Hastings by the Council.

The Rohilla war.

The first subject which the members of the new Council turned their attention to, upon the first day of their sitting, on the 25th of October, was that of which I have already stated to your Lordships a part—the Rohilla war. Upon that subject they thought fit to comment with considerable blame upon Mr. Hastings, for having, as they said, very improperly committed the Company in a war, beyond the limits

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Their assertion that the Rohilla country was not to be found in maps of Hindustan.

of their provinces—in what they called an offensive war in a country which, they said, was so distant that it was not to be found in any of the maps they had of Hindustan. What maps they used I know not. The country must be found there, for it is immediately bounded by the Ganges on the one hand and the hills on the other; and we know the Ganges is within Hindustan, and, therefore, if they had gone back to the time of Job Charnock, they would have found the Rohilla country—not by the name of Rohillas, I know, because they had only obtruded themselves into that country within forty years, but that spot denominated by another name they would there have found; and it was there, within Hindustan, unquestionably, as bounded by the Ganges and by those hills to the east. But by the name of Rohillas, if you look into any very antiquated map, it will not be found, for the reasons I have suggested.

Assertion that it was an offensive war.

They said it was an offensive war. I conceive a war growing out of any means of defence is properly partaking of the means of that war out of which it originates, and is not strictly to be called an offensive war. How was it commenced? At the instance of the Rohilla people themselves, praying the assistance of Suja-ud-Dowla to repel the Mahrattas, Suja-ud-Dowla claiming our assistance for the same purpose, and we being guarantee of the treaty for the good faith between these parties—at the instance of one of the people, indeed, and at the instance of one of the chiefs, Hafiz Rahmet. This Hafiz Rahmet, who was unfortunately a sufferer in this war, and over the degradation of whose house there has been much, and I will not say much misplaced, lamentation—for the calamities of war are always a just subject of lamentation—this Hafiz Rahmet has been particularly lamented, not only as being a great prince, not as an hereditary one, but on account of his gallantry, his soldier-like qualities, and also as a poet. I have read an ingenious publication upon the subject, which states his being celebrated throughout the East on account, not only of his valour, but for the beauty of his poetic compositions. Hafiz is a great poet; but this man, so far from being a poet, if he had not signed this treaty I should have doubted whether he could make his mark. But he was the immediate person who broke this treaty; he was the person who had signed it; and was more particularly, on the part of his nation, pledged to good faith in the observance of this treaty.

In discussing the subject of the Rohilla war, I would wish not to wander to a greater extent than is necessary, but, inasmuch as this was a subject upon which the Council at their first arrival laid their finger, for the purpose of the reprobation of Mr. Hastings, it seems to me in some measure necessary, in order to put him right in your Lordships' estimation, to show that, in that in which they imputed to him blame, no blame was justly and fairly resulting from the transactions which they applied their minds to. 17 FEB. 1792. Apology for discussing the Rohilla war.

They said it was impolitic, because it was exposing our frontiers to be assailed by the Mahrattas, with whom this would be an endless source of contention and animosity. The prediction has been falsified entirely by the event. The frontiers of the Rohilla country, in the custody, as it has been, of Suja-ud-Dowla first and his descendant Asoff-ud-Dowla since, have not been assailed, even to this hour, except by a little predatory incursion of some Sikhs in the year 1783, which was disavowed by their own commander, and for which the depredators were punished. That which the honourable Board predicted would produce perpetual wars, has not produced a moment's dissension, and that which was to produce perpetual incursions has not produced one hostile foot from beyond the Ganges, the limit of that country. Asserted impolicy of the war, by exposing the frontiers to attack from the Mahrattas.

There is another objection to the treaty of Suja-ud-Dowla. It was said that the benefit that we were to derive from it, taking the brigade at the sum of two lacs, ten thousand rupees a year, was not a natural resource to such a country as Bengal, and, at the most, could be but temporary. It has endured to this very hour; and, by the last accounts remitted by Lord Cornwallis, it annually netted that amount in our treasury. The brigade subsidised by Suja-ud-Dowla.

There was at that time a just ground for commencing the war, in respect of the treaty being broken, and in respect of policy; for it would be dangerous to commit the guard of so important a frontier to a people at once weak and faithless, who did not leave it to us to conjecture what they would do, in a moment of cold neutrality or the hour of danger, when they could make this return in the moment of their protection, and in the fever of their hottest gratitude. Therefore, I conceive this measure, upon which their first censure fell, is perfectly justifiable upon principles of justice and upon principles of policy. Danger of trusting the frontier to the defence of the Rohillas.

The next measure which attracted their observation and blame arose out of this:—They demanded from Mr. Middle- Demand by the Council from Mr.

17 Feb. 1792. Middleton, of his correspondence.

ton, then the Resident at Oude, who had been sent thither by Mr. Hastings, the instant production of all his correspondence. They grounded the right to this production upon an order of the Company, made in the year 1770. I will state that order, and your Lordships will immediately see that the private correspondence of any member of the Council with a person filling the station of Resident at a foreign court does not fall within the scope of that order. The words are,—

Order of the Directors respecting correspondence.

"The Governor singly shall correspond with the country powers; but all letters, before they shall be by him sent, must be communicated to the other members of the Select Committee."—

"By him sent"—to whom? To the country powers, unquestionably, with whom he alone is directed to correspond and receive their approbation.—

"And also all letters whatever [which may be received by the Governor, in answer to or in the course of his correspondence, shall likewise be laid before the said Select Committee] for their information and consideration."*

Private correspondence not referred to.

What correspondence is mentioned? The correspondence with the country powers, unquestionably. The Select Committee were to see the letters that were written, and the letters that were received in answer from the country powers; but it was not the meaning of that order to preclude the Governor General from any private correspondence he might have with the person filling the station of Resident. But what did Mr. Hastings upon that subject? He said,—

Offer made by Mr. Hastings.

["All the official letters of Mr. Middleton, and such parts even of his private correspondence as I can with propriety show, shall be laid before them. A copy also shall be delivered of my letters addressed to him, in which I shall observe the same reservation."]†

Demand by the Council of the whole correspondence. Subsequent claim by them to cor-

They did not wait to see whether there was any chasm in that correspondence which he offered to lay before them. They did not wait to have anything that might be defective—any public communication—supplied out of the private communication; but they instantly demanded the whole and every paper. And yet, so inconsistently did the same gentlemen conduct themselves upon almost the same subject, within a short period of time afterwards, that when, upon the removal

* Extract of the Company's General Letter to Bengal; dated the 23d March, 1770.—Printed in the Fifth Report from the Select Committee on Indian Affairs, 1782; Appendix, No. 12.

† Extract of Minute of Mr. Hastings, 26 October, 1774.—Printed in the Fifth Report from the Committee of Secrecy on the Causes of the War in the Carnatic, etc., 1782; Appendix, No. 45.

of Mr. Middleton, Mr. Bristow was sent up to fill the same situation, and when Mr. Hastings desired that Mr. Bristow might correspond with the Governor General, conceiving it unnecessary that he should correspond with anybody else, taking for granted that they would adopt the same rule with respect to the correspondence of the members of the Board that they had laid down for that of the Governor General—no! they insisted that each member of the Council should, individually, have a right to correspond with the Resident, though they precluded the Governor General from having that sort of correspondence. They reserved to an individual, one of those then constituting the government of the country—for by the majority the Governor General was excluded from any share of it—they reserved to themselves the right of private communication, of correspondence, with the Resident which they denied to the Governor General.

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respond privately with Mr. Bristow.

This refusal, peremptorily persisted in on the part of Mr. Hastings, produced the removal of Mr. Middleton, and the appointment of Mr. Bristow to the station of Resident at Oude; and, during the whole of the period which intervenes between that time and nearly the close of the year 1782, the residence of the one or the other of these gentlemen at the court of Oude was the mark and ensign, held out to the country powers, to ascertain the ascendancy or depression of the influence of the Governor General in the councils at Bengal. I mean, with an exception of a small period of time, between 1779 and 1780, when Mr. Purling was Resident at Oude, that was the mark to which everybody looked to know whether the Governor General was in possession of the due functions of his office. And Mr. Hastings, wishing to perform no ineffective part in the government allotted to him, and to have the means of conducting with efficiency and advantage to the Company the affairs committed to him, showed, instead of being blamable, that he was influenced by those motives which are the source of all good and honourable conduct in man. He besought them, if they disapproved of his conduct, to recall him; but, if they continued him, to give him the full, effective, use of his functions. He writes to them thus, on the 3d of December, 1774, within less than two months after the new Council arrived and took possession of the government:—

Substitution by the Council of Mr. Bristow in Mr. Middleton's office.

"Painful as my situation is likely to prove, and unsuitable to my disposition, it is my determined resolution to retain the place which your favour originally assigned me, and the Legislature has since so honourably confirmed, till your justice shall decide between me and my oppo-

Letter of Mr. Hastings to the Directors, 3d Dec. 1774.

7 Feb. 1792. nents. My only resources are in the knowledge, however imperfect, which a long and local practice in the affairs of their Presidency may have furnished me, and of which the gentlemen of the majority, even for their own sakes, will not deny me the application, and in the experience and abilities of Mr. Barwell, whose support I thankfully acknowledge, with the more pleasure, as I esteem it to proceed more from a just conviction of the propriety of my conduct than personal attachment.

"I beg leave in all submission to observe that this is not a case to which palliatives can be applied. The Legislature has enacted that a Council, consisting of five members, should form a general administration for your affairs in Bengal, and for your political interests in India. By the manner in which the Parliament thought proper to express the office of Governor General, as distinct from the Council, as well as by universal usage, some peculiar power and responsibility seemed tacitly reserved for him above the other members of the Council; but, if it shall appear to you that his authority, as the executive and ostensible instrument of your government, has been overpowered, and that a majority, consisting of three members of the Council, has been formed, not by an accidental variation in opinion, but by a decided and permanent combination against the other two, it will necessarily follow that the intentions of the Parliament have been frustrated, and the Council in effect made to consist of three members instead of five; and that therefore nothing but a decisive remedy can restore that harmony to the government which is irrecoverably lost to the parts of which the present is composed, and save your property and the national interests in these provinces from anarchy and ruin.

"I will not quit the ground I stand on in this address to appeal to the large portion of my life spent in your service, nor to the important trusts in which it was my lot to be employed from the earliest period of it. I rest my cause solely on the measures which have drawn me into my present vindication. I adopted them for your benefit, and for the national honour, and I know they have been productive of both, to the utmost reach of my wishes. Relying on your justice, and on the consciousness of my own integrity, I shall wait with patience for your determination on the subjects of this address; nor shall my care be wanting to prevent your affairs from suffering, in the long interval which must be unavoidably left to disorder.

"If you should judge me fit to be continued in the chief direction of your affairs, I have already said, and yet repeat, that I am willing and desirous to devote what remains of the active season of my life to your service. But allow me, honourable Sirs, to hope that I may be furnished with means equal to the responsibility which ought and must be annexed to the first station, whosoever shall fill it."]*

Continued opposition from the majority of the Council.

My Lords, it would have been very happy for the Company—very happy for Mr. Hastings—very happy, indeed, for every part of the government that was committed to his care—if the Company had come to a peremptory decision upon the subject of difference between him and the other members of the Council. As it was, he was obliged to endure an ineffective situation in that Council, from day to

* Printed in the Fifth Report from the Committee of Secrecy on the Causes of the War in the Carnatic, etc., 1782; Appendix, No. 45.

day, to be making ineffectual opposition to measures he did not approve, and to have the whole usefulness of his own talents and attainments in that service entirely suspended, during the period in which the effective government of that country was occupied by his opponents. 17 FEB. 1792.

At this period of time, there occurred an event which has laid the foundation for that intimate connection with the Government of Oude—a still more intimate connection than existed before—and has given birth, in its consequences, to a variety of transactions which are now in question before your Lordships—I mean the death of Suja-ud-Dowla, which happened on the 26th of January, 1775, within three months after the landing of this Supreme Council. Upon the occasion of his death, it became the Council of Bengal to adopt such measures as consisted with their safety, and the observance of good faith, in respect to treaties then subsisting between us. And, my Lords, the first anxiety of the Council seems to have been, upon seeing that his death was likely to happen, to know upon whom the succession would be likely, by his appointment, to devolve. There were doubts whether the present Nawab, Asoff-ud-Dowla, would be the object of his selection. But, in the course of the discussion which took place at that period, so little did it occur then to the members of the Board that all the treaties made with Suja-ud-Dowla expired at his death, that, on the 3rd of February, Mr. Francis, in a minute, states that, supposing the right of succession to be established in the Wazir, as he now is, that is, in Asoff-ud-Dowla, he thought there would be an obligation upon the Government of Bengal to acknowledge him as the representative of Suja-ud-Dowla, on the terms and to the extent prescribed in the treaty of Allahabad.

Death of Suja-ud-Dowla.

Question of succession

Minute of Mr. Francis.

Now could any man that penned that minute have a doubt that the treaty of Allahabad extended to the successor of Suja-ud-Dowla, when he should be named and ascertained? It is impossible but that, upon the 3rd of February, he thought, as I do and every man who fairly addresses his mind to the subject must do, that the treaty of Allahabad continued to the successors of Suja-ud-Dowla all the benefits stipulated for, in that treaty, to Suja-ud-Dowla and his heirs. It will not bear a question that can be discussed in any court whatever, whether words, by which one nation contracts with a prince and his heirs for perpetual peace and other continuing benefits—whether treaties of that sort which are called real treaties are binding upon successors, or only personal and

The benefits of the treaty of Allahabad secured to Suja-ud-Dowla's successor.

17 Feb. 1792. expiring with the life of the party. I should be ashamed to turn to books upon this subject. There are books which, only in more words and more correct language, express that in detail which I am stating in substance. It cannot be argued, in any place, but that this treaty of Allahabad, as far as concerned the dominions of Oude, the dominions of which Suja-ud-Dowla was possessed in virtue of that treaty, confirmed all the continuing benefits of that treaty upon his successor:—and Benares was a part of the dominions of Oude as then left to him.

Case of lands not belonging to Suja-ud-Dowla at the time of the treaty.

It might have been contended, with some colour of argument, that the treaty of Allahabad might not apply to other dominions subsequently acquired. For instance, that it might not extend to the successor of Suja-ud-Dowla the Company's protection in respect of Corah and Allahabad, which he derived under the subsequent treaty of Benares; that it did not extend to his successor the same benefit, in respect to the country of the Duab, acquired by arms, with our acquiescence, knowledge and permission. It might be contended, that it did not extend to the Rohilla country, which was obtained by our assent and assistance, and added to his dominions. So it might have been contended. But no such narrow ground occurred to the honourable gentlemen. All public faith was gone. Not a treaty that was made with Suja-ud-Dowla would they allow the benefit of to his unfortunate successor, Asoff-ud-Dowla. Not one!

The benefit of the treaty refused to Asoff-ud-Dowla by the Council.

Application of the principle to the Company's claims on native princes.

Now do, for a moment, let us see, if treaties expire with the lives of the princes, what would be the consequence if the princes of India held the same language against us. Suppose the successor to the throne of Delhi should say—"Here is Mr. Francis' minute. He tells you that these treaties only bind for the life of the contracting prince; that prince Shah Alem is no more. I succeed in full right to the dominions of my ancestors; the contract does not bind me. You are versed in this matter; you know the laws of nations and obligations of treaties better than I do; you have told me that they bind only for the life of the contracting prince. I resume my diwani. Return to your private situation as merchants, under the farman of Farouksir. Begone!—You have no rights derived under the former grant. I am hasty in saying you are intitled under the farman; that expired upon the death of Farouksir. You have been, from the moment of his death, usurpers."

If the Nizam dies, his successor desires us to remove

quietly from the five Northern Cirkars:—"My father granted them but for life; he had no further power of granting. You, the Company, by the Council you sent out in 1774—you solemnly told all India that all treaties expire with the life of the prince." 17 FEB. 1792.

The Peshwa may say—"I choose to have [the island of of Salsette] and other lands ceded to you." The Raja of Tanjore or the Nawab of Arcot may take back the jagir lands. Every feather of our wings is stripped by this mischievous, false, doctrine contained in this minute.

Demand of Benares, etc. by the Council from Asoff-ud-Dowla.

Upon the ground of an argument which has no foundation in good faith or reason, was this demand made, at that time, upon Asoff-ud-Dowla—"We demand of you, as the condition upon which we will leave you in possession of your territories—that is, as the condition upon which we will allow you the use of our forces essential to the maintenance of your power—that you cede to us Benares." But this is not enough; that did not satisfy the spirit of Mr. Francis. *Debitorem in partes secando*—he was considering how he could cut this poor, unfortunate, man into the most pieces, to satisfy the most maws. He said,—"I think we may as well take part and give it to Nujif Khan," a soldier of fortune. Nay, as if it was not enough to strip him of his territories, he must strip him of his honours. "We might," says Mr. Francis, "as well apply to Delhi, and get the office of Wazir for Nujif Khan likewise"—an honour which had been resident in his family for three generations.

What right have we of giving away his territories, secured by the solemn faith of treaties? But this we were to do. We were to take Benares for ourselves; to give to Nujif Khan, a soldier of fortune, a large portion of the Duab lands, as a jagir; and then, in return for all this, what were we to do?—why, to procure for him a nominal confirmatory grant of the remaining dominions from Delhi. This was all we were to give, by way of commutation, for this spoliation of his honours and his property. It is wonderful that upon this occasion it did not shock their minds, when they came with this further term—he was to be told by our Resident that we considered him liable for the debts of his father. What! to inherit the burdens without the benefits of his situation? It is the most monstrous act of unqualified injustice which occurs in all our records in India. And would your Lordships believe that, in the stating of every broken treaty made in India—and all of them have been at some

Charge imposed of his father's debts.

17 Feb. 1792. time stated in publications which I have read—when it is thundered in our ears that we are the greatest treaty breakers that ever existed—that we have neither public nor private faith or honour—this atrocious act is not mentioned! In what manner do we fairly comment upon the proceedings of our countrymen, in this quarter of the globe, if this, which I conceive is the most wanton violation of all good faith with a prince in our power, is passed over without notice? And so it is in the book I am alluding to. And this is the unqualified conduct of the gentleman who, forsooth, is to be taken as a person who, for his purer morality, beyond that of other English subjects in India, is to be the instructor of us all!

Injustice of the treatment of Asoff-ud-Dowla.

Situation of Asoff-ud-Dowla.

I will state the situation of Asoff-ud-Dowla; for I think the whole is a picture of such iniquity and wickedness as is not to be met with in any other part of our Indian history. Suja-ud-Dowla dies at Fyzabad, which was his residence at that time. When one monarch has resided at Fyzabad the successor resides at Lucknow, and so on. He died at Fyzabad, and had about him a considerable portion of British force; and there was some other force in Rohilcund—in all above 100,000 men. And it is material to consider under whom they were at that moment, which makes the extortionate act from the Wazir the more marked. The principal part were under the command of Saadat Ali, the next and rival brother of this Asoff-ud-Dowla. The rest of them, to a large number, in the Duab, were under the immediate command of Coji Bussunt, a person so hostile and notoriously hostile to the person of Asoff-ud-Dowla that he afterwards attempted his life; and, having with his own hand murdered Murteza Khan, the minister of Asoff-ud-Dowla, rushing into his presence with the bloody sword in his hand, in a fit of intoxication and frenzy, was, before he could effect any mischievous purpose against the life of Asoff-ud-Dowla, cut down by the guards who surrounded him. That was the person who had the charge of a large party of forces.

Death of Suja-ud-Dowla, at Fyzabad.

Number of British troops with him.

Commanded by Saadat Ali and Coji Bussunt.

Attempt on Asoff-ud-Dowla's life by Coji Bussunt.

Threat of the Council to withdraw the British troops.

Asoff-ud-Dowla had nothing but the English faith and English forces to defend him. At that moment, the Resident was ordered to announce to him that our forces would be withdrawn immediately, unless he acceded to our demand of Benares. The rest of the Board, however they might be seduced and misled, were men of honourable sentiment and general fair purposes: they could not be induced to plunder:

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but, whether they too easily listened to the cogitations of Mr. Francis, they acquiesced in taking Benares from the Wazir. He was told he must yield Benares, or the forces would be withdrawn immediately. It was, in effect, telling him he must surrender his throne and his life to his rival and to his enemies; for would his own troops stand by him? They were in arrear, by the mischievous policy of the princes of that country, many months in their pay, and the treasure that was to pay them—over which he had as unquestioned a right as any one of your Lordships have to that which you think the most assured parts of your property—that was to be taken from him, to be given to the Begums. He was, therefore, to be saddled with the expense of the pay of near 100,000 of his own country troops; charged with all the debts due to us; and, his dominions severed, by taking from him a proportion of them which, according to Murteza Khan's account, would be worth fifty lacs, as rented by us, though but of the value of twenty-two and a half to the Wazir. If we think we might determine the contract of our troops at any moment, a man might equally as well say to another, to whom he had let a boat—"I choose to determine the contract by which I let you the boat, at the time you are upon the water. Here, get out of it." Why, you left him to the sword of Murteza Khan, and the jealous rivalry of his brother Saadat Ali.

The Wazir unable to trust to his own troops.

The man did what he could not help doing. He purchased his life and his throne by the cession of that which was thus, in fraud of all treaties and good faith, extorted from him. The next thing it would have become us, I conceive, to have done, was to have made the remainder of his resources available. If we had plucked this feather from his wing, we should, at least, have strengthened every other that remained in it. No; we consigned him immediately—I do not say we—I do not say my client, who certainly had then no concern, no means of controul in that government, being in a decided minority, and laid by as perfectly useless in their councils—but it occurred then to Mr. Bristow—for the measure originated with him—as fitting, to accede to a treaty, proposed by the Begums, for granting a small proportion of these treasures of Suja-ud-Dowla, which they had in their hands, to their son, in consideration of his relinquishing a claim to all the rest.

Cession of Benares to the Company.

Inducement of the Wazir to resign his claim to his father's treasures.

This treaty was in agitation with Mr. Bristow from the period of March to the period of October, in the year 1775. During the whole of that time, Mr. Hastings had every reason to think—indeed he might well know—by the com-

Reasons for Mr. Hastings' guarantee of the treaty.

17 Feb. 1792. pliance of the Board, that it was perfectly approved by them; and, therefore, he did not waste himself in ineffectual opposition to the guarantee of the treaty, or the ratification of that treaty which had been previously given by Mr. Bristow.

Claim of the Begum to the late Wazir's treasure.

Now, do let us consider upon what foundation the claim of the Begums to this treasure stands. The treasure appears to have been accumulated by the Wazir Suja-ud-Dowla, during the course of his life and of his wars, for the purpose, it is said, of some expected emergency. As it appears upon your Minutes, Suja-ud-Dowla did—as many princes in that country do—deposit his treasures under the care of his Begum, in his zanana. It is a place of great respect, and in the nature of a sanctuary, and, therefore, it would be more likely to be privileged and protected from ordinary spoil. He had particular confidence in her attachment to him, and in the fidelity with which she was likely to execute the trust. He entrusted to her, not his treasures only, but the seals of his executive government. I do not know whether that already appears in evidence, but if it does not it will shortly—that he entrusted with her the seals of his executive government. Why, she might as well, in virtue of this trust, claim an actual right in the executive government of the country and a right to succeed in it, as she could a right to succeed to the treasures, which had, for some purpose and under confidence in her integrity, been left with her. But these are the treasures which the Wazir was accumulating, and upon which he was drawing for his occasional, contingent, expenses. At one time, he gave an order upon this fund, to the amount of fifteen lacs, to Mr. Brady, to defray part of the sums due to the Company. He was in the actual use and appropriation of these treasures, as his own, till he died. The Begum, it seems, has now some claim; but what claim, the Managers have not in their Articles stated. For, if your Lordships advert to them, you will see with what caution they avoid to tread this tender ground. They state that she was possessed—they will not venture to say intitled—"of certain landed estates, called jagirs, and certain valuable movables." But how was she possessed? If possessed of them under no right, she is but a trustee, accountable for them to the person who was intitled. Was it by way of contract? Was it by way of gift? Was it by way of bequest? Was it in the shape of dower? In which of these ways, or in what other way, if there be any other way, did her title to

The treasure deposited with her, for security.

The late Wazir in actual use of the treasure.

Absence of legal title of the Begum to the treasures.

these treasures accrue? If there was a will devising them to her, let it be shown. If there be a deed of gift of them, why not produce it? The possession remained—which is a main evidence of there being no gift; because the transfer of the possession usually accompanies a gift—the possession remained with the Wazir, whose house the zanana was, to the extreme hour of his life, and they belonged to his successor immediately upon his death; and, therefore, there was no possession which might give a colour of argument to any claim in respect of supposed gift or contract. 17 Feb. 1792.

I have taken some pains to inquire whether there were any papers written by the Wazir—any communications with the Company, indicating any purpose or wish that the Begum should have all or any part of those treasures, after his decease. Nothing of that kind is to be found. But there is to be found upon the consultations a single letter, with which I will take the liberty of troubling your Lordships, written by Suja-ud-Dowla himself, almost in the agonies of death, within a very few hours before that expected event happened. In that letter, all his anxiety is for his son Asoff-ud-Dowla, whom he desires the Company to consider as in his place. Not a mention of the Begums! Not a word of this treasure, which, if he had wished to secure it to them, it seems natural and obvious he would have made some mention of in this letter which, at the period I have stated, he wrote to Mr. Hastings! No bequest made to her from the Wazir.

My Lords, Colonel Polier was on the 26th of January, 1775, when the event of the Wazir's death happened, at Fyzabad, where the Wazir then was. He writes to Mr. Hastings thus,— Letter of Col. Polier to Mr. Hastings.

"I did myself the honour of addressing you the day before yesterday,

. . . .

good and worthy qualities."*

He says, this letter contains the last request of the prince who recommends his family to their protection. These words have been relied upon; but it is a mistake of Colonel Polier, for he never mentions his family. This is the Nawab's letter:— The Wazir's recommendation of his family to Mr. Hastings.

"How shall I express to you the violence of the sufferings I undergo from my disorder. . . . . and ever remain in alliance with you." Letter of the Wazir.

* No copies of this or the following letters have been met with. The Company's agent at Fyzabad at this period was Col. Primrose Gailliez. His letters to the Council just before and after the date mentioned in Mr. Law's Speech are printed in the Appendix to the "Minutes of the Evidence," p. 1313.

17 FEB. 1792. It is in the consultations of that date, enclosed with Colonel Polier's letter of the 6th of February, 1775.

No assignment of the treasures produced by the Begum.

If there had existed a will, it was incumbent upon the party who claims against the general representative and heir of this prince to produce such will. If there existed a contract, it became the Begum to have shown that contract. If there was any specific endowment, or anything in the way of dower, granted according to the Mohammedan law, which comprehended this, it became her to have shown and produced such instrument. But she had another endowment, and an ample one; for she had a jagir, to the amount of between five and six lacs a year, which appears, under the name of "old grant," in that paper which was transmitted by Mr. Purling, in the year 1780. She was then tolerably well endowed by the bounty of her husband. No inference, therefore, from her want of a provision could arise, that it was meant she should have this treasure, for which not a shadow of proof is shown—not a colourable argument has been produced—to establish that she had any pretence of right whatever.

Her dowry.

Validity of the Begum's claim through the agreement guaranteed by Mr. Bristow.

My Lords, standing, therefore, as I conceive she unquestionably did, without any claim of right to this treasure, it was an unjust act which appropriated, in any manner, under the protection of the Company, this treasure to her. But I am not contending, nor shall I ever contend here, that, however rashly, unadvisedly and improperly, that guarantee was pledged on the part of the Company, therefore it has not a binding effect until it is dissolved, by acts, on the part of the person claiming the benefit of that guarantee, which militate with that good faith and amity which is, and must be, the continuing consideration of such guarantee. And, therefore, I am not at this period contending that this guarantee, pledged by Mr. Bristow to the Begum, for the secure enjoyment of all the rest of her treasures, in consideration of her giving up the sum of fifty lacs to her son, is not a binding guarantee. But your Lordships will not much regret when you shall by and by find, that these funds, which were acquired by an act of fraud and extortion upon the son, were forfeited by an act of treachery to us.

The claim forfeited by her treachery.

Duty of Mr. Bristow to have secured the treasure for the Wazir.

I do conceive that it would well have become the duty of the then Resident at Oude, instead of bartering with the Begum for the secure possession of treasures to which she had no title, to have boldly announced and proclaimed the

rights of her son. He would have secured an unexception- able fund, for the payment of all that debt which was then due to the Company—a debt which, at the time of the death of Suja-ud-Dowla, amounted to somewhat more than sixty lacs; for I find an account which states it at above fifty-six, at the end of the year 1774, and, therefore, by that time, it may be supposed, by the accumulation of the subsidy, to amount to the sum of sixty lacs. He ought to have announced to the Begum that these treasures were the property of her son. He ought to have announced to the son that, in virtue of his right to them, our right upon these treasures attached. He should have told them both that, if Suja-ud-Dowla had made a will, this treasure must still be subject to his debts; that these debts attached upon them on the part of the Company—on the part of his unpaid troops; that it was fitting that, out of this fund, the expenses of his accession to the government—every sum that might be necessarily disbursed to procure his confirmation in his government from Delhi—ought, properly, likewise to be taken. All these claims upon this fund ought to have been announced, and to that extent, at least, they ought to have been satisfied, before the Begums should be permitted to appropriate any part of them. No such thing is announced to them. They are permitted to appropriate them, as if they had received them under the most valid conveyance or bequest from Suja-ud-Dowla, and as if no debt that formed a claim upon that fund existed.

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Amount of debt due to the Company at Suja-ud-Dowla's death.

The treasure subject to the debts.

It is impossible, if you consider the nature of the thing—not only considering that there is no evidence produced, that no will is shown, no gift, no evidence upon which a claim of right can be founded—but it is impossible that Suja-ud-Dowla, justly solicitous and anxious for the succession of his son, should have left away from him those treasures, which were essential to the maintaining of him upon the musnud — that he should have given away all that sum of money, which was wanted to pay the troops, whose assistance was necessary for his continuance upon the throne. But we need not be enforcing what, in reason or in prudence, Suja-ud-Dowla would have done. It was incumbent upon the Begum to show that he had done something of that sort. It was incumbent upon the Begum to show that, by some efficient act, he had appropriated these treasures to her, to the prejudice of other parties who might have claims upon them; to the prejudice of his creditors and

Improbability of intention of Suja-ud-Dowla to assign away the treasure from his successor.

Incumbent on the Begum to prove the donation.

17 Feb. 1792. the claims of his son. By the Mohammedan law, we know that, only in the case of intestacy, where a widow is not otherwise provided for—which she was—she has a right to an eighth only of the movables of her husband. She does not claim an eighth, but she does not allow an eighth:—she takes the whole. There is no pretence for the claim she seems to have set up, and in which the Wazir was very improperly induced to acquiesce.

The Begum's treatment of her son confirmatory of her conduct to the Company.

I have dwelt upon this subject in order to show your Lordships how very probable it is, that a person who would be guilty of such an act of unfair dealing to her son, with whom she was so connected by blood, might be guilty of that conduct, which I shall afterwards prove she was guilty of, towards us, with whom she was not so connected.

Commission in 1776 for ascertaining value of lands leased in 1772.

My Lords, the next measure of any considerable importance in this period was [taken] after [the time when,] by the death of Colonel Monson, the government had returned under the controul of Mr. Hastings—I mean the Aminic Commission; upon which much stress has been laid. It was a commission, your Lordships recollect, instituted by Mr. Hastings about November, 1776, for the purpose of ascertaining the value of the lands, the leases of which were then about to expire. These leases having been given in the year 1772, for five years, it occurred to Mr. Hastings to be proper that a more minute inquiry should be made into the value and circumstances of these lands than had been made, in the year 1772, by the Committee of Circuit, and under their immediate direction.

Assertion that the object of the inquiry had been previously secured.

An honourable Manager, upon whom it fell to impute blame to this transaction, has chosen to say that Mr. Hastings is contradictory to himself, for that every purpose of such an inquiry had been fully answered, as he himself states, in a minute made in the year 1775. He says, indeed, that we had attained the knowledge of the value of the districts at that time. Certainly, to a considerable extent, we had, by the inquiry prosecuted by the Committee of Circuit, in 1772. But the value of the districts and the value of every component part of the districts, which was the object of this more minute and particular inquiry, had been by no means attained. The inquiry that had been made, in the year 1772, was directed to the ascertainment of the value of lands in the hands of each particular zamindar, for the purpose of making the letting of the lands of such zamindar. But, in a course of years, the lands in the hands of each particular zamindar are

no longer the same. The estate receives an accession or a decrease, by purchase or by alienation. It is, therefore, necessary to re-assess the lands, at every period in which a fresh valuation is to be made, and a fresh taxation to be imposed on those lands.

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Reasons for the inquiry.

It was not only necessary for that purpose, but it was necessary, considering how much in the infancy of the administration of the finance of that country we were in 1772. Just as, your Lordships will recollect, at the period of Mohammed Reza Kahn's removal, just when we had only got a faint glimmering to lead us into the dark intricacy of Indian detail of accounts: at that time we certainly could not have attained all that information and knowledge which we might at a later period, and when we had been more fully versed in the modes of financial collection. Mr. Hastings, therefore, directed this sort of inquiry to be made, to be a standard for all future times, and the means of ascertaining the revenue, with the utmost possible care, on every future occasion of re-assessment. The inquiry was to be so minute that it was to take up the value almost of each pargana; certainly the lands in the hands of each raiyat; the value of all lands, from the largest proportion to the smallest. There would be a subdivision into the smallest and minutest parts. The value and nature of the soil, and every attendant circumstance, would be in this mode of inquiry ascertained. Nobody can doubt of the utility of this. But an honourable Manager has suggested, that Mr. Hastings had before said a complete knowledge of the districts had been obtained. That by no means implies that complete knowledge of the minuter subdivision, and such as respects the qualities of land, had been obtained.

The same inquiry instituted by Lord Cornwallis.

When Lord Cornwallis recently let the land of the province for ten years, it was necessary for him to institute the same sort of inquiry. One of the collectors, writing to Lord Cornwallis, suggests the necessity of having it. This is in the Revenue Consultation, February the 10th, 1788:—

Letter of a Collector suggesting the inquiry.

"It is the . . . . his own private emolument."*

So much was it the object of Mr. Hastings to have the means of future information at the expiration of the then subsisting leases, that it was a stipulation in these very leases that the farmers should, at the expiration of their terms,

Justification of the inquiry.

* No copy of the paper referred to has been met with.

17 Feb. 1792. bring in their mufassal accounts, in order to enable him, by every means derived from the local information of the holders of these lands, to know what was the value, quality and nature, of the lands so holden by them. This was the object of that commission. The object has itself been blamed. I state what appears to me sufficient reason to show that it was very fitting that that minute and particular inquiry should be instituted. But it is said, that, let the inquiry be ever so proper, the persons to whom it was delegated were improper; and fault is found by Mr. Francis, I think, with the appointment of one of the gentlemen to superintend it.

Mr. Boyle and Mr. Anderson at the head of the Commission.

Answer to objections made to them.

There were two British subjects at the head of it, Mr. Boyle and Mr. Anderson. An objection is made to the person of Mr. Boyle, as having just come from out of his writership. He was a gentleman of great fitness for a business of this sort of detail. He had been employed in it before, and was a gentleman of wonderful facility in all business of financial and other detail. He was as much valued a servant of the Company, while he lived, as any one belonging to them. Mr. Anderson, too, had the vice of being young. To Mr. Anderson we owe the Mahratta peace; to which and to the alliance following it we owe now our Indian possessions. These are the gentlemen whom Mr. Hastings selects for the purpose of superintending this Indian inquiry.

Gunga Govind Sing a member of the commission.

Nature of the evidence against his character.

But there is a name that subverts all purposes to which it can be applied. There is a person introduced into this business who contaminates everything he touches; the sound of whose name is pollution. I mean Gunga Govind Sing! And now, in the name of justice, having heard, as you have repeatedly heard, the name of this man rung—contaminated, as you have been taught to believe him, with every species of iniquity and wickedness that can degrade and embrute a human being—for God's sake, look and see what is the evidence upon which you are to think him even unfit to be employed upon this commission.

His previous dismissal from office.

The objection made to him is on account of his dismission at an antecedent period, in the year 1775, upon an inquiry instituted at the Board; and it is then suggested by Mr. Francis, in November, 1776, when the question of his appointment as diwan to this Aminic Commission was under consideration, that he was dismissed for some collusion in obtaining a sum of 26,000 rupees, for running some salt. That is the charge. He had not been convicted of running any salt. Running salt had not been charged upon him.

Mr. Francis states that it appeared that he had been so convicted in a trial of Mr. Fowke, which took place in June, 1775. That could not have been the reason of his dismission, for he was dismissed in May preceding; therefore, anything that appeared on that trial could not have been the cause of his dismission. But it did not appear in that trial that he had been dismissed on any such account. 17 Feb. 1792.

Ground of his dismissal.

The ground of his dismission is neither more nor less than this—and I do not know whether it is a ground which would warrant a dismission. I rather incline to think that what he did was not blamable, but certainly nothing that should attract abhorrence and detestation; nay, I do not know that your Lordships will, when I state it, think it ought to attract blame or censure in any degree whatever. This man, Gunga Govind Sing, in 1775, is diwan, collector and manager, for the Committee of salt, and generally for the revenues of the province; he was likewise diwan of the Land Committee: he was, therefore, to receive for Government what was due for the land, and he was to issue to the different persons contracting for the salt farms the advances that were to be made to these salt farmers, for the purpose of managing their farms. He stands, therefore, in this double relation. A man of the name of Cumal-ud-Din owed the sum of 26,000 rupees, for arrears of rent upon his land farm. He was to have that or a larger sum issued to him on account of salt advances. Now what is this crime, which is to make every man's face turn pale in India?—which makes Gunga Govind Sing a name of abhorrence and detestation everywhere? Why, he said, "Before I issue your salt advances, I will be paid my land rent; and if you do not pay it I will deduct it from the salt advances." I defy the honourable gentleman to show me, among the multitude of papers before you, anything that imputes a specific crime. I am not talking of general imputations of infamy. These may be laid against any man. Mr. Francis said, he understood him to be infamous. Colonel Monson said, he understood he was reckoned very treacherous and rapacious. General Clavering said, that a man upon whom there was a suspicion of any sort—adverting to what was said by Mr. Francis—might as well not have been a diwan, and therefore [advised to] appoint somebody else; but no one joined in giving credit to Cumal-ud-Din.

Mr. Francis's account of it.

Mr. Francis says:—

"He has acknowledged having deducted 23,379 rupees from the advances made to Cumal al Dien, on account of the salt farms. Admitting that this money was applied to make good a former balance due on

17 Feb. 1792. account of rent from Cumal al Dien Cawn for a land farm (which I by no means believe to be the case) still I conceive that his withholding any part of the advances was unauthorized, and must be highly prejudicial to the Company's interest, as it tends to destroy the source of future production of revenue; and I see no relation between Cumal al Dien's engagements as a salt contractor, and his lease as a land farmer; the rents should have been exacted as the monthly kists became due." *

Justification of his conduct.

Then the whole, upon Mr. Francis's account, is this, that instead of making the man pay money, which he ought to have done, for the land rents, he had let him run in arrear, and that afterwards, when he had an opportunity of paying the Company, he had deducted the sum due out of what he was to issue to him. In God's name, is there much to blame in this? Suppose a person who is a collector of fee-farm rents for the Crown had, likewise, some situation in the Customs, where it might be his duty to issue money for drawbacks, and he says—"I will not pay you your drawback till you pay the money you owe for your fee-farm rents"—would there be any crime in that? I do not see much material diversity between this case and the instance I put; and yet, upon this and upon this only, has the honourable Manager—if he will allow me to say so—calumniated Gunga Govind Sing, in the name of the whole British nation, as a monster of iniquity; [asserting] that Mr. Hastings has contaminated himself by touching him, and that this commission must be intended for the very purpose of public and private iniquity, inasmuch as Gunga Govind Sing was made in any means the instrument of its execution!

Answer to objection of extraordinary powers in the commission. Powers of torture.

There is another objection to the commission, that there were extraordinary powers delegated to the commissioners,—powers of torture. And I remember, when an honourable Manager was using the word "torture," I turning round, not meaning I am sure to interrupt him, he adverted to me—"does he object, does he deny the word *torture?*"† I would not assert this upon the confidence of my own memory, but I refer to a written account of it at the time. I do deny the word "torture!" There is no such word in the letter of the order, nor is there any such meaning to be inferred from the order. I will state what the order is. They were ordered to collect all the mufussal papers, and to get all the information they could upon the subject of the

* Minute of Mr. Francis, 12th May, 1775.—Printed in the "Minutes of the Evidence," p. 2193.

† The word is used, in reference to the powers of the Commission, by Mr. Fox, *supra*, p. 395; but unaccompanied by any allusion to an interruption from the Counsel.

business they were to execute. They were to send for persons and papers, and, if they did not attend in person and with the papers, there was an order given—not to this native officer who might abuse it—not to any native officer—but to the Council, I think, of Moorshedabad, who were directed to arrest and punish those who should dare openly to oppose or disobey the orders of the Government in these instances. 17 Feb. 1792.

Power of enforcing attendance.

It is moved by the Governor General that the following letter be written to the Chief and the Council at Moorshedabad. It is committed to the whole Board, not to any private person, to enforce the attendance of persons and the production of papers. This is the order which, for the furtherance of the purposes of the Aminic Commission, was given by the Council General to the Council of Moorshedabad. Now what is it more than this—"you are to punish, as every court must, for contempts committed against yourself?" It was a contempt of that high commission if any person withheld from them that information to which they were intitled. It was the object of the commission to procure it, and every person who contumaciously refused to produce those papers, which it was his covenanted duty, under the terms of his original lease, to produce, the committee was to arrest and punish. What do we do in the administration of justice in this country, from a sheriff, who can arrest and fine, upwards? What does it mean more than that those means may be resorted to for enforcing this order which, according to the customs of this country, or the customs you yourself have adopted, are used under similar circumstances, to compel obedience to your own orders? That is all it says; and how the word "torture" could have entered the head of the honourable Manager I cannot conceive, unless that Mr. Francis, in his minute upon this head, says it is an authority to use torture. That is Mr. Francis's own construction. There is no warrant for it. Neither the letter nor spirit authorises doing more than that which is consistent with the humanity belonging to the British nation, and that became a Council acting under their authority to do—to enforce an obedience to a necessary order.

Now I have done with this commission, upon which so much blame has been cast. I trust your Lordships will think there is no sufficient ground for imputing any thing, as far as relates to this charge—and I know of nothing else that imputes any thing—to Gunga Govind Sing. There is no blame to be found in Mr. Boyle and Mr. Anderson, the

17 Feb. 1792. persons who were employed to execute it in chief; and the objects of the commission were, not only blameless, but praiseworthy.

The Mahratta war, 1775.

I next come, in order of time, to a period which is very interesting to the national concerns in India, and which, in its consequence, has materially affected almost all the subsequent movements and operations of Government—I mean the commencement of the Mahratta war, in the year 1775, I think under the sanction of the Bombay Council. It occasioned in its consequences a multitude of material events and operations, which I shall, briefly as I can, in the different periods of my address to your Lordships, detail.

The Peshwa.

The Mahratta nation was, as I stated in the address I made to your Lordships in the outset, under the government of the Peshwa, who had superseded the authority of the Raja of Sattara, in the year 1774; the Peshwa, the supposed father of the present Peshwa, being then, I believe, just out of his minority, having been under the guardianship of Ragonath Rao or Ragoba, his uncle, was induced to put him in prison. A conspiracy was formed against the person of the infant Raja. Alarmed with the attack he fled to the arms of his uncle in prison, and in those arms was murdered. Upon this event happening, inasmuch as Ragernath Rao immediately assumed the sovereign power, which indeed, upon the death of his nephew, he might have been well intitled to, as far as there was any succession to the office of the Peshwa, and inasmuch as those who had been the main instruments in that conspiracy were raised to places of high trust and confidence, the idea that they were all of them united collectively in that plot which ended in the destruction of the Peshwa obtained very general credence.

Assassination of the young Peshwa.

Succession of Ragoba.

After he had assumed the sovereign power, Ragoba went upon an expedition against the Nizam, in which he was unfortunate; and, after returning from that, finding that in the interval the conspirators who had raised him to power, having become jealous of him, were united for driving him from the Poona Government, he took refuge at Surat with the English; and there, in the month of March, 1775, formed a treaty with the Bombay Government, by which he was to cede to them objects to which the Company had attached an extraordinary degree of value—I mean, the island of Salsette and other islands dependent upon it, the island of Bassein and the territory belonging to it, near

Treaty with the Bombay Government for the cession of Salsette, etc.

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Importance attached by the Company to the places ceded.

Bombay. The Company had to both of these affixed an extraordinary degree of value; for they had, in all their letters, from 1768 down to that period, been recommending them to violate peace and good faith, *quocunque modo*, to obtain possession of these places. There is a letter in 1768, in which they say,—

Their letter to the Bombay Council.

["The intimation you gave to our President and Council of Fort St. George, to use their endeavours with the Marattas to obtain a grant of Salsette and Bassein to us we highly approve of; and we now recommend to you in the strongest manner to use your endeavours, upon every occasion that may offer, to obtain these places, which we should esteem a valuable acquisition."] *

Disapproval of the treaty by the Bengal Government.

By hints of this sort, which the Bombay Government were not very unwilling to understand, they entered into treaty with Ragoba. Salsette was almost immediately transferred to our hands. Bassein was to be the fruit of a war with the Mahrattas. As soon as the news of this treaty and the operations which followed upon it had reached the Government of Bengal, they unanimously disapproved of this measure, and deputed Colonel Upton immediately to Poona, for the purpose of making peace with the Mahratta state. They were, however, so far, I may say, warped by the direction of their employers that, in this treaty, Colonel Upton was to recognise the aggression on the part of the English, or, at least, to say that the war was improperly commenced, and he was to stipulate as much as he could for all the benefits we could have derived from it. The minister of the Poona Government commented upon this sort of contradictory conduct, in which we acknowledge ourselves in the wrong and yet desire to be paid for it. However, we did effect this treaty with them. We had twelve lacs of rupees given us for that war which the Bombay Government had begun. Broach, a country of about three lacs, was to be ceded to us instead of Bassein, which they were unwilling to give us; but Salsette was ceded to us, unless we could be induced to yield that to them, at the earnest entreaty which they made, and so take something as an equivalent for it.

Terms obtained from the Mahrattas.

Disapproval by the Company of the stipulations.

When this news arrived at the India House, they thought a favourable opportunity had been lost of obtaining these objects, and they did not so scupulously as they should, to be sure, advert to the means by which they were to be ob-

* Extract of the General Letter to Bombay, 18th March, 1768; Printed in Appendix 47. to the Fifth Report from the Committee of Secrecy.

17 Feb. 1792. tained: and, on the 11th of April, 1777, they sent out this letter to the Bombay Government, in which they express extremely strong disapprobation of the conduct of the Bengal administration in interposing this treaty, and direct that, if all the terms of this treaty should not be literally fulfilled, they are to take advantage of that and possess themselves of Bassein, and to recommence the war which was closed by the treaty of Pooranda, executed by Colonel Upton. They say,—

Instructions to secure Bassein.

> "We acquiesce in the said treaty, provided Salsette and its dominions be not restored, though we are convinced Bassein might have been obtained. If they furnish you with any pretence for not observing the treaty, or if you thing it expedient on other accounts, recommence your treaty with Raggabau and fall to work immediately."

Occasion for quarrel given by the Peshwa.

His entertainment of a French emissary.

Under such orders, certainly, the Government of Bengal would not have acted, but unfortunately the Government of Poona, at the time these instructions arrived, had not only not performed the terms of this treaty, but had given us a well warranted occasion to complain. At that moment they had entertained at their court a person coming with authority, or supposed to come with authority, from the court of France, and who had been received at the court of Poona. He arrived, I think, some time in May, 1777. He had been received at Poona, had been presented to the infant Peshwa, and had delivered credentials from the French King to that Government. He had brought out with him in a ship, the Sartine, I think, 1,500 stand of arms, and military accoutrements of different sorts, for arming and equipping native troops for the purposes of war.

This person made his appearance at Poona just about, or a little after, the period of time when Colonel Upton was quitting it. He made his appearance at a time when none of the terms of the treaty had been fulfilled. There were other terms for the immediate provision of Ragoba — an allowance of three lacs a year to him, two thousand troops and a number of domestics: that among the rest was unperformed; and the twelve lacs, the compensation for the war and the stipulation for the cession of territory, was not paid. The treaty being thus unperformed, there arrived this person.

There arrived, somewhat later than this person, at the Government of Bengal, a gentleman very deservedly high in the favour and confidence of Mr. Hastings—I mean, the late Mr. Alexander Elliott. He, in his way to India, had received a communication from the most respectable quarter,

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Designs of the French Government.

then most interested to know, and having the best means of knowing, what were the designs of the French Government with respect to us—I mean his Majesty's then ambassador * at Paris—which he was directed to communicate to no other person but to Mr. Hastings, individually, and General Clavering. Having received this information from that noble person, he had reason to understand that there was meditated, on the part of France, a mission to India, for the purpose of intriguing with Indian powers—to offer them assistance, and to join them openly as soon as war should commence; that it was intended to send out a large supply of men and arms, and persons to train them in the use of arms. Other communications respecting the same subject, strongly inducing Mr. Hastings to believe, and well warranting him in believing, a sort of aggression—or a sort of intrigue, I should rather call it—on the part of France, drew Mr. Hastings' attention, in a very anxious degree, to the operations of that Government.

Complicity of the Peshwa's minister with the French emissary.

It was credibly reported, at that time, that there had been a cession agreed for of the port of Choul, very near Bombay, to the Government of France, which would have been of the most important consequence to the British security in that part of the world. But it was known that this man was there. It was known that he had delivered credentials to the Peshwa from the French King; and that Nana Furnavese, who was the minister of the Mahratta Government, had sworn, according to the rites of his religion, and they according to the rites of their religion, to the performance of the contents of a very particular paper. To this extent, we certainly were apprised. We knew, further, that, notwithstanding all our efforts by Mr. Mostyn, who was stationed on the part of the British Government afterwards at Poona, notwithstanding all our remonstrances, we could not obtain his dismission from that place. We knew he was corresponding with Mons. Belcombe at Madras, which was then hardly in a situation of defence; that he had been doing the same at Pondicherry; and that, after this, he had gone to Nujif Khan. All these materials of information Mr. Hastings had before him, in the year 1777.

The Mahratta nation, therefore, not having performed its treaty, and meditating, as it seemed, an alliance with that power with which we were every moment expected to be at

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* Lord Stormont: see the Introduction to vol. i, p. xvii.

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Apprehension of war with France.

Despatch by Mr. Hastings of a force to Bombay under Colonel Leslie.

Calamitous loss of time by Colonel Leslie.

war—for, if your Lordships will carry back your thoughts to the year 1777, you will recollect that some ill successes in another part of the globe had made it likely that the French would openly avow themselves the enemies of Great Britain —expecting, therefore, to be attacked in that quarter, the Governor General directed his attention to the preparation of adequate means to resist that attack, in case any such should be made. He, therefore, suggested it as a necessary measure, not as an act of immediate hostility—it was not so understood by the Mahratta Government—but as an act of necessary, preparatory, defence, to detach a large force overland from Bengal to Bombay, for the purpose of sustaining our interest in that quarter of India. That force was voted in November, 1778. Colonel Leslie was put at the head of that force: and, had the objects of that expedition been well fulfilled by that officer, had he not, to our loss and almost ruin, wasted four months of valuable time in intriguing with the little country powers about Bundelcund, just by the borders of the country of the Duab and the extremity of our provinces—if Colonel Leslie had not wasted his time in intermeddling in the petty broils of those petty Rajas—during those four months he expended twenty lacs and only advanced a short way—unless he had so misconducted that enterprise, free passage being offered by Madaji Scindia through his, and by the Berar Raja through his dominions, neither of these powers, though connected with the Mahratta state, suspecting or believing that any injury was aimed at them by this expedition, or even to the Poona Government, any further than as it was thought necessary to give a more respectable force to the Bombay Government and to strengthen their hands in case of accident—I say, if that force had arrived at its proper place of destination within the reasonable limits of time within which it might have been expected to have arrived, none of the calamities which afterwards did happen would have happened. The stain of the English arms by the affair of Woregaum—the convention which was made in 1779—would not have happened. That expedition to Poona which was made by the Bombay Government, by their unaided strength, without the assistance of any country power, would either not have been entered upon, or would have been rendered effectual. However, this measure, suggested by Mr. Hastings of sending that force over land is the only immediate measure for which the Government of Bengal are, in respect to this subject, in any degree responsible.

I have been stating those circumstances in order to show how, in the correct discharge of public duty, the attention of Mr. Hastings was immediately called and demanded to this object; and that he was obliged to make the preparation for resisting the French intrigues upon that coast in the best manner in which he was able: and he thought he did so by detaching this force under Colonel Leslie. But, unfortunately about the period of time when Colonel Leslie ought to have been advancing to the Bombay coast, the Bombay Government were infatuated by this unfortunate letter which they received from the court of Directors, the letter of April, 1777, in which they are told that, if the treaty had not been literally fulfilled in all its articles, they should avail themselves of the first opportunity of restoring the treaty that had been made with Ragoba, and gaining all the advantages to be derived to them from that treaty. They, therefore, without any communication with Bengal, entered into a new treaty with Ragoba, and, in the beginning of the year 1779, set out upon an adventurous march to that capital.

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Fresh treaty concluded with the Peshwa by the Bombay Government, in 1779.

They had a very adequate force for the achieving even that purpose. We advanced within sixteen miles of Poona without having seen an enemy. They, on a sudden, were frightened almost by their own solitude; they paused. The moment they stopped their march, they saw enemies enough; they were galled on all sides; their retreat was considerably interrupted, and it then became a consideration for them whether they should attempt to force a retreat or no.. A valuable officer, now in the Company's service, and who was, I believe, honoured with the rank he now bears in consequence of the better advice he gave upon that occasion, Colonel Hartley, advised them to cut their way back again. The more ignoble counsel prevailed—that of yielding their persons and arms to the Mahratta state. A disgraceful and ignominious convention was at that time formed, by which their personal safety was procured, by the intervention—for they had an obligation in obtaining even those terms—to Madaji Scindia, then the effective general of the Mahrattas, and who controlled the principal measures of their public government and of their military operations.

Force sent by them to Poona.

Its surrender to the Mahrattas.

When the news of this calamity reached Colonel Goddard, who had taken the command, upon the death of Colonel Leslie, which had happened in October, 1778, and who died, I believe, the day before orders for his supersession came—for

Death of Colonel Leslie, and assumption of command of the Ben-

17 Feb. 1792. all the members of the Council were unanimous in thinking he ought to be superseded in his command; and by that order of supersession, and the natural devolution of command, Colonel Goddard had the command of that force; and it is to his gallantry, his spirit and his exertions, that at that moment we owed the salvation of our settlements on that coast—at the moment in which he heard of this disgraceful convention of Woregaum—he had had very little communication, your Lordships may know, with that army; for they were so afraid of participation of any merit with Colonel Goddard that they anticipated his arrival by this unfortunate attack upon Poona—he instantly marched; and he marched for sixteen days, through an unknown and hostile country, without any regular provisions, and by that means escaped the attack of twenty thousand Mahratta horse, stationed in the way to intercept him. He arrived at Surat, and secured that settlement, and gave a turn to the English affairs in that part of India.

[...gal troops by Colonel Goddard.]

[His arrival at Surat.]

I have run rather beyond the period of the commencement of the French war. I will call the 7th of July, 1778, the commencement of that war; for at that time the Bengal Government had received those advices of that fact which they had reason to deem authentic, and upon which, they acted. Your Lordships will, therefore, consider what was the situation of this country at the commencement of that war, and in what situation our finances were. Your Lordships see, there was abundant reason to expect occasion for every resource which either the commerce or the revenues, or the sovereignty, of the Company in India could furnish them with. On the 7th of July, 1778, news arrived in Bengal, perhaps premature—it was a little before the actual event had happened in Europe; for when the news came to Bengal, it had not been, at a corresponding period of time, that the French had committed any overt acts of hostility—however, they received from Mr. Baldwin at Cairo that information, upon which they warrantably proceeded to consider themselves as at war with the French nation. Mr. Hastings at that period, as he did in every moment of danger, found himself alert and active for his country's interest. He beset himself at that moment to consider what, under the subsisting circumstances of our country in respect to the other powers of India, it was most expedient to do; and what, upon our claims upon either the dependants of the empire or others, it was expedient to require. The first

[Announcement of war with France.]

[Measures of security taken by Mr. Hastings.]

[Claims upon the dependants of the empire.]

thing which occurred to him that it was expedient to do, was to confirm the good faith and amity of the Raja of Berar. I shall describe how he is situated, in point of connection with the Mahratta Government and our own. 17 Feb. 1792.

Measures for securing the good faith of the Raja of Berar.

Mudaji Bosla.

Mudaji Bosla was the descendant of Sevaji, the first son of Shahji, the founder of that empire. He was adopted by Jannuji, the last Raja. He had, therefore, claims upon the Mahratta empire. He had inherited, after the death of his brother, a portion of the Mahratta dominions, called the Berar dominions, comprehending the whole of Orissa, of which we are only nominal sovereigns, for no part of that belongs to us. This prince had for many years kept up a friendly intercourse and correspondence, by means of his vakil, Beneram Pundit, with Mr. Hastings. Mr. Hastings knew that it was much the object of his ambition to succeed to the Raja of Sattara. He knew, likewise, that it was his interest to be protected against the intrigues and views of the Nizam, who was his neighbour, encroaching upon him on one side, and to be sustained against any ambitious projects of either Hyder Ali, or any of the Mahratta Governments, on the other side.

His inheritance of the Berar dominions.

His desire of protection against the Nizam.

Mr. Hastings, being always anxious to preserve the frontiers of Bengal from all possible violation and attack, thought his alliance of all others the most essential, inasmuch as his dominions lay immediately adjoining to the provinces of Midnapore and Burdwan, two valuable provinces belonging to the Company, and which, if we were in a state of hostility with that prince, would have laid most open to the devastation and spoil that might be made by his troops. It was, therefore, with a view to our own security, and with the view of weakening any combination of the Mahratta powers against us, extremely proper to dispose the mind of this prince the most favourably that could be towards the British name and interest; and, for that purpose, the first measure Mr. Hastings proposes, upon news of the French war, was, that Mr. Alexander Elliott should be despatched to that prince, with full powers to treat upon the subjects I have stated; holding before his ambition the object of the Rajaship of Sattara, and every other advantage he might derive from the protection and good offices of the English nation.

Motives of Mr. Hastings for seeking his support.

Mr. Hastings, at the same time, considered of a plan of defence for the country of Bengal at large; and it became him likewise to consider what troops, and what funds for those troops, could be found. He proposed in Council, and

Mr. Hastings' plan of defence for Bengal.

17 Feb. 1792. it was carried, that there should be six battalions of troops raised for the defence of the provinces; and, of these, he thought himself warranted in demanding that three should be maintained by Cheyt Sing. I have purposely avoided introducing the mention of him or his tenure prior to this period, for it seemed to me to be wasting your Lordships' time unnecessarily, till the terms of that tenure and his connection with the Company were to be called forth into any active operation or effect. At this time, when news of a French war had arrived, amongst the measures which Mr. Hastings was devising for the public safety, he thought of demanding a force from our benefited, protected, ally, Cheyt Sing, who had hitherto derived much benefit from us without any return. He thought he was warranted by the nature of his tenure, by the terms on which every person who owes allegiance holds of that sovereign to whom it is owed; and, according to every principle of allegiance and fidelity, he thought himself warranted—and, particularly, according to the express and precise terms of the convention between him and the English nation, and according to the terms under which he held from Suja-ud-Dowla, under whom we derived the sovereignty with the claim respecting him, and of which it is an unalienable appendage—to demand and receive military assistance in time of war.

The maintenance of three battalions required of Cheyt Sing.

Justification of the demand.

Mr. Hastings proposes that this demand shall be made on Cheyt Sing, and Mr. Francis, under a supposition that Leslie's detachment would not speedily return within the provinces, acquiesced. But I should suppose that, though he acquiesced, he did not conceive that demand founded in right. I will suppose him so to have said, because Mr. Hastings' language afterwards supposes him so to have said. He said he would reserve the decision of the question of future right to their superiors; making the demand at present, and conceiving it fit it should be made, but, from some intimated doubt concerning the question of right, he reserves it to their superiors hereafter.

Qualified assent to the demand by Mr. Francis.

Now, unquestionably, if there be good faith and honesty between the public and the servants whom it employs, this kingdom and every subject of it is stopped from questioning that demand, after he had appealed to this country for instruction, and they by their silence showed their acquiescence. Mr. Hastings having, in the year 1778, written home to the Directors, and through them to the King's Ministers, to whom the despatches were communicated, for

Implied approval of the Directors and the

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King's ministers.

instruction upon the subject of that demand, and having prosecuted it, in two successive years, upon the supposition of its being well founded, I say, independent of all other arguments arising from convention, the actual terms of his sanad, and the constitution of the Mogul empire, if there be faith and honour in man, it is impossible to question this demand. He writes to them—"I have demanded this subsidy:—instruct me." If they sit supinely by and permit him to prosecute that demand, year after year, and, upon the contumacy of the person, who sluggishly and reluctantly performs the duty, he proceeds to punish him, and afterwards, upon further acts of contumacy and open rebellion, to expel him—I say the British nation are stopped, if there be principles of common justice and honour amongst us, from questioning the acts of their servant. How long is a man to wait upon an intimation of the course, as he conceives, of his duty and of the line he means to pursue, till he is to be sanctioned in the act? Three whole years elapsed; and if this act is questionable, it is a fault that lights equally upon all persons concerned in the executive government immediately committed to the India Company, and through them communicated to, and so far connected with, the immediate administration of his Majesty's government; and, if this be a charge, instead of this gentleman standing solitary at your bar, I venture to say there ought to be arraigned by the side of him every person who has held any place in the Company's service—who has held any place in his Majesty's confidential councils. All are common participators in his guilt, each equally criminal with himself, and ought to bear equally the reprehension and punishment that might fall upon that act. No, my Lords, there is no blame anywhere. There is no guilt upon any of them. The demand was founded in right. The demand need occasion no alarm to them. They knew—for they had the materials to judge upon that he had before him—they knew that the terms which formed the connection between Cheyt Sing and them warranted that demand. They permitted him to prosecute it. They never contradicted the exercise of it or controlled it, because they knew it was founded in justice.

The demand founded on right.

At a later period, in the year 1782, when a committee of the House of Commons were sitting upon the subject, voting the recall of Mr. Hastings upon the same subject, respecting the Mahratta war, with full notice that this demand had been for three years made upon Cheyt Sing,

The transaction not noticed by the Committee of the House of Commons in 1782.

17 FEB. 1792. did they then take notice of this, as a matter for which Mr. Hastings was reprehensible? Did they say—"likewise on account of his extortionate demand upon Cheyt Sing, contrary to all faith of treaties, contrary to all engagements"—anything of that kind? No! they did not even allude to it. No man imputed it to him for blame, and it was not till after the tumult that arose upon Cheyt Sing's contumacy and his rebellion that it occurred to any man to call in question that act:—not even at the later period I have stated, even at the time when Mr. Hastings' recall was procured to be voted at the India House, it was not then assigned as one of the grounds for his recall, or even imputed to him as blame, that he had made this demand upon Cheyt Sing. I say, therefore, I am clothed with the protection, with the sanction and authority, of the British nation; that the Company—that those who were in the immediate council of his Majesty—everybody who had had any concern in the approval of this act or to whose cognizance it was committed—put their seal of approbation upon this very demand; and they have not lightly done it.

Inference of general sanction of the demand.

Tenure of Cheyt Sing, at the time of the cession of Benares to the Company.

At the time that Asoff-ud-Dowla ceded to us Benares, it was in consideration with the Board what should be the terms of his tenure. It was suggested at one time by Mr. Hastings, that he should be put in a kind of middle relation between the English Government and that of the Nawab of Oude; and that he should pay his rent in moieties to each, and have a kind of double allegiance to both. At the time Mr. Hastings was proposing this, he suggests many circumstances respecting the supposed independency of Cheyt Sing, under that projected tenure, which had been used in the course of the argument; and I do not know whether they are not even, in the terms of the Article, used as allegations of Mr. Hastings, applied to the actual condition in which Cheyt Sing was afterwards placed, under a different tenure, namely, when he held solely under the sovereignty of the British nation. But, at that time, it was announced to Cheyt Sing, as the terms of his holding, expressly, that they had reserved to the Company the sovereignty of the country, to the full extent that it was or might have been held by the late and present subahdar of Oude. By changing his master he did not change his service; he was still to perform the same duties he had done before.

Customary services of a zamindar.

What were these duties, is partly a question of general history, as applied to the particular man and the persons who

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have preceded him in that situation. As applied to the history of the country, the revenue books from early times are full of instances of the zamindars yielding military aid to the sovereigns upon their demand. I am told by gentlemen most conversant with those books, that, when a zamindar did not appear at the time of the regular settlement of the revenue, it was entered as an excuse, like a kind of essoin with us, that he was soon to attend the royal stirrup in the field; he was personally attending with his forces on the person of his sovereign. There is not a page of history, in any historian that anybody may have looked into, but you will find for ever zamindars summoned to attend their prince, and actually assisting him in war; so that the duty of military obedience, as resulting from their tenure, seems unquestionably to have existed from all time in India. But, independently of that, I will not look to India, it is the inseparable appendage of sovereignty everywhere. Allegiance and protection are reciprocal; and, if the arm of the state is to protect the subject, that subject owes the support which can be derived from his own assistance, to constitute the aggregate strength of that state of which he is to derive the benefit; and, therefore, without wasting much of your Lordships' time in discussing that proposition—for all these propositions will be discussed more largely and more ably soon before your Lordships—I will only state that it stands upon unquestionable authority, that there exists in the Mogul empire a right in the sovereign of the country—and the sovereign unquestionably was represented by the subahdar of Oude, whose sovereignty we have taken by assignment—a right to demand military aid from his territorial subjects; that such territorial subject was Cheyt Sing, and he owed this assistance; that it was therefore of right for us to demand it, when the occasion might require. And, as to his sufficiency to answer the demand, he had received from his father an accumulated kror, certainly—one million sterling of money. He had been suffered to enjoy, from the year 1770, when his father Bulwant Sing died, an annual surplus of at least thirteen lacs a year—for by that sum did his receipts of his zamindary exceed his expenditure—and had thus accumulated the sum of more than two millions sterling.

Military service.

Right in the sovereign to demand military aid.

Cheyt Sing's means of meeting the demand.

Do your Lordships think, at a time when we were about to commence a war with France, and probably very soon with the whole house of Bourbon, that it was unjust or unfitting that the British nation should demand so small an

Moderation of the demand.

17 Feb. 1792. assistance, which was commuted at 50,000*l.* a year? This was the demand—this was the demand notified to this country; and this was the demand, the resistance to which, and to other military demands justly made upon him in a period of still more increased difficulty, and when our dominions were shaken to the foundation, produced a degree of contumacious resistance afterwards in our benefited but ungrateful vassal. But the period I am now upon, that of 1778, relates only to the demand; and I trust I have laid before your Lordships sufficient reason to believe that the demand was justly occasioned, by the practice of every Eastern prince in respect to every Indian subject, sanctioned by the terms of his own immediate instrument and convention with the Company, and, as concerning Mr. Hastings himself, sanctioned by a solemn appeal made to this country, and which this country, returning no negative answer to it, had completely confirmed, and warranted him to proceed, upon every principle upon which the servants of the Company can act.

These were two of the measures which occurred to Mr. Hastings at the commencement of the war in 1778, as most expedient to be adopted for the general safety. It has been said that a demand of this sort was made when the treasury was unusually full. It is stated in the Article, as a circumstance from which you are to infer, I presume, malice, that it was made upon no other dependant of our empire at the same time. As to the comparative fulness of the treasury, it was a matter of debate, sometime after, whether there should be a loan raised upon the commencement of the war. Thinking that the immediate raising a loan might have some effect, perhaps, upon the general spirits of the country, from motives of policy, Mr. Hastings and Mr. Barwell were against it. Mr. Francis thought it proper—not with a view of forbearing this demand upon Cheyt Sing, but as a measure generally proper. Upon that they went into a discussion of the fulness of the exchequer. On one side it was contended, that the treasury of Bengal had at its command a sum of about a hundred lacs, and, on the other side, of about fifty. Now, suppose that there were a hundred: the expenses and exigencies of the next year made that sum of very inconsiderable moment indeed; for I will now state the comparative expenses of the year which followed the war with that which preceded it, and then your Lordships will judge, whether, fairly expecting such a demand for

Assertion that the demand was made when the treasury was full.

Exigencies of the war.

supplies of money as did actually arise, they were not warranted even—not to dispute the point, whichever way the truth may be, suppose the treasury to be as full as Mr. Francis chose to state it, that is, that it contained a hundred lacs—see whether the treasury did not require the aid proposed to be given to it by this measure. 17 Feb. 1792

In the year 1778–9, the year succeeding the commencement of the war, the military charges amounted to above 600,600*l.* more than they did in the year 1777. The aggregate expenses of the year 1778–9, over the year 1777–8, amounted to 892,446*l.* Then, I think, there was sufficient reason for getting five lacs, if we could honestly come by them. That we came by them fairly and upon every principle reconcileable with justice, according to the terms of his tenure, I have already stated, with such arguments as I thought sufficient for that purpose. Every year, as one may naturally imagine, increased the exigencies of the Company; and, therefore, there did exist a very adequate prospect that this supply would be wanted. No man waits till the distresses actually happen, before he lays in the funds which are to sustain him at that period. It became him to look about and enlarge the resources of supply, all he could, at that moment. This occurred to Mr. Hastings as the most sufficient means for that purpose. To these demands Cheyt Sing chose to offer the plea of inability. Now I do submit to your Lordships that that is the most gross aggravation of his contumacy, the most gross insult to the Company, who permitted him to enjoy, during all the time he held under them—and before he was under their protection they procured for him of the Nawab of Oude—a revenue that, after every excess of luxury and expense of state, accumulated, every year, to him thirteen lacs.

Situation of the Company. I will now state what was the situation of the Company. Soon after this war with France commenced, Mr. Elliott, as I have stated, was despatched upon this embassy to the Berar Raja. **Embassy of Mr. Elliott to the Raja of Berar.** Unfortunately for his country, that very excellent and amiable young man was cut off by a fever before he arrived at the place where his embassy was to be exercised. The Berar Raja, however, had given him a great pledge of his future good intentions towards us by ordering Monsieur le Chevalier, the Governor of Chandernagore, who had at that moment escaped from Chandernagore, to be delivered up to Mr. Elliott. **The Governor of Chandernagore delivered up by the Raja.** Your Lordships recollect, I have mentioned already the ill successes of Colonel Leslie's

17 FEB. 1792. expedition; the rashness of the Bombay Government, which precipitated them to that attack upon the Poona country; that the pusillanimity of those who had conducted it had rendered the name of the English of less important weight than it had hitherto been in that quarter of the globe, and occasioned a confederacy, founded upon the distress of our power or the contempt of our force in that part of India, of several chiefs, who had not ventured before to make head against us:—all this in addition to the French intrigues going on at that time upon the coast, and consolidating and combining all these powers in hostile confederacy against us.

Failure of expedition against Poona.

Confederacy against the British.

Members of the confederacy.

The powers that were united were Mudaji Bosla, the Berar Raja—Mr. Elliott not being able to arrive there, we had not been able to detach him, as was intended, from that confederacy, to which he unwillingly, at last, acceded, merely for his own pro ection, and with a purpose of actual neutrality, at the time he carried an appearance of a junction with the confederacy—the Nizam, the Poona Government, Hyder Ali, Madaji Scindia, whom I consider as a part of the Mahratta power, and Nujif Khan, who promised assistance, but, I believe, gave none. The Nizam seems to have been pretty constantly, at that period, adverse to the interests of Great Britain. He repented much of the large cession he had made us of the Northern Circars. He was jealous of all our connections. He was adverse to the Nawab of Arcot. He was adverse to the Berar Raja, with whom we had entertained communications of friendship and good intercourse for some time past. He encouraged and was connected with a party in the Poona Government adverse to that of Ragoba, with which we had been connected. He wished, as I said before, to regain the Northern Circars; and wished to gain some considerable accessions, if he could, from the Berar Raja.

The Nizam.

Hyder Ali.

Hyder's policy was very obvious. If we had crushed the Mahrattas, it was his object to have prosecuted the war he had begun with them with still greater effect. He was treating with Ragoba to have an accession of certain forts in his country. If the unfortunate affair of Woregaum had not happened, he would, in all probability, have fallen upon the Mahratta dominions, and contented himself with making prize and spoil of them.

Mudaji Bosla.

Mudaji Bosla was all along attached to the British interest; he was compelled to assume the part he had in this confederacy. They assigned to him an attack upon the

Behar province, which he changed to a more innocent object, that of an attack upon the Bengal provinces; and he took care that no hostile consequence should be derived from that, by means of the measure and the intimations I will mention, by and by. In effect, he acceded nominally to this confederacy; never meaning it should produce any act of hostility on his part, unless his other allies should compel him. 17 Feb. 1792.

Scheme of operations of the confederacy.

To the Nizam was assigned the attack upon the Northern Circars; to Hyder Ali the attack of the Carnatic, and, if possible, to attack Madras; and to Mudaji Bosla the attack of Midnapore and Burdwan, the provinces that lay nearest. Madaji Scindia was to attack the dominions of Oude [and] the provinces of Behar; and Nujif Khan was to come by way of the Duab to attack those dominions of the Wazir, and to distract our forces, which might, otherwise, be employed in the protection of our ally. This was the confederacy that was formed.

Necessary formation of a secret service fund.

About this time, it became necessary for Mr. Hastings—who was sustaining, by the hazard of the responsibility of his own casting voice, most of the measures that were then pursued for the purpose of supporting the British empire—it was [necessary] for him to secure, subject to his own controul and appropriation, certain funds for the purpose of secret service, which he could not have secured, or could not have applied, by a direct communication to the whole of the Board, without revealing the objects of that secret service, and, therefore, defeating its effect. For that purpose, about the period of time when the Mahratta forces of the Berar Raja, of 30,000 or 40,000 horse, that were sent to the skirts of the Behar province, but never set a foot in it,—when they were sent to attack Midnapore and Burdwan—about that period of time, Mr. Hastings received that money from Dinagepore, under the name of Dinagepore peshcush, which is charged upon him as a crime.

Receipt of the Dinagepore peshcush.

The receipt and the application had equally public objects. He received it at a period when, unless he had the receipt of such funds secure from the prying eye of Mr. Francis, the secrecy of it would have been defeated; and the secrecy of the application was connected with the safety of India, which, among other means of his, was effected by the application of that sum to relieve the distresses of the Berar army, to the amount of between 30,000 and 40,000 men, that were with difficulty, famished as they were, prevented from breaking in upon the rich and fertile provinces of Midnapore and Burdwan,

Necessity secrecy.

17 FEB. 1792. which lay close to the place where these forces were collected. It was, therefore, somewhere between the months of August and October that that first sum of money was received. Between the 11th and 13th of August was the period of the first receipt of any part of the Dinagepore money—a period when this confederacy was unfortunately fully formed—when it was beginning to have its effect, by the detachment of so large a portion of the forces employed in that confederacy as 30,000 or 40,000 horse, belonging to the Berar Raja, to the frontiers of Bengal.

Employment of the money in securing the alliance of the Berar Raja.

At that time, Mr. Hastings opened a communication with the Berar Raja. The Raja lamented all along that Mr. Elliott's expedition had been frustrated; that Colonel Leslie's march had not been prosecuted sooner; and intimated, through the whole of his correspondence, that, if he had had an earlier opportunity of concerting with us proper means, part of the mischief might have been prevented; and that no mischief that he could avoid should be effected by his means.

Danger of the wasting of the Company's provinces.

My Lords, it may be said—"What would have been the consequence of this irruption of the Berar force? Was there any danger that they would have attacked Calcutta or torn our empire from us?" By no means. The ground of apprehension was, not that any such extensive consequence would have followed upon that irruption, but that they would have wasted our most fertile provinces. That they would have interrupted the supplies with which we were to feed Madras and the other Presidencies, and that they would have totally destroyed the source of our investment, is perfectly clear.

Sadanund's present. Applied in detaching Mudaji Bosla from the confederacy.

Sadanund's present gave the means of detaching another member in that confederacy. In this instance, it was the object of Mr. Hastings to detach, as far as he could, Mudaji Bosla from the effective councils of the then enemies of Great Britain.

Voluntary announcement of the present.

Upon the subject of this present, have your Lordships, beyond Mr. Hastings' own, voluntary, uncompelled, discovery, obtained an iota of proof whatever? And has that discovery been falsified in any of the minutest particulars? Your Lordships know that, by his letter of the 29th of November, 1780, Mr. Hastings voluntarily announced to the Company that he had received a sum of money; and that he had so applied a part of it in the public service. After that, the Manager may say—"it is a partial account; it is not the whole; he does not state how much correctly." After communicating to them, as he does in that letter, both this

present and the present he afterwards received from Sadanund, it was perfectly impossible for him to have concealed from them the remainder of that sum, or any sum he had received, if the Company had thought fit to question him upon it. 17 FEB. 1792.

He had discovered to them that he had received sums of money from two sources; that he had applied the one to the relief of the Berar army; and, as to the other, he had offered it in order to obviate the difficulties that occurred in respect to the Malwa expedition. Your Lordships will recollect, as to that expedition, that Mr. Hastings having in Council, about the period of June, 1780, strongly urged, in order to defeat the effect of this confederacy, the necessity of an attack upon the country of Madaji Scindia—reasoning, upon the principle of *proximus ipse mihi**, that Madaji Scindia would be more attentive to his own dominions than any that belonged to the Mahratta state—recommended to the Board the propriety of making a diversion of Madaji Scindia's force by attacking his own dominions. Nothing is more obvious, nothing more rational, than the policy of such a proposition. That proposition was resisted at the Board; and Mr. Francis and Mr. Wheler, who were then at the Board, suggested as an objection to that measure—and, in the first instance, solely that objection—the expense. This objection was made at the Council some time before the 21st of June, 1780. At that moment Sadanund, on the part of his master, offers, on the plea of atoning, as it is stated by Mr. Larkins, but, in fact, with a view of getting him to suspend the demand in future—he offers this sum of two lacs. Mr. Hastings feels that this sum would meet the expenses which that detachment would occasion, beyond the sum they would cost by being kept in their quarters, and the contingencies of the Malwa expedition. He immediately communicates to Mr. Larkins—a person most worthy of his confidence, and a person most worthy of the confidence of the Company—that he had accepted this sum, and for this purpose.

The Malwa expedition.

Mr. Hastings' proposition to attack Madaji Scindia.

Objection on the ground of expense.

Offer of the present from Sadanund.

That he was not able, afterwards, to apply it immediately to that purpose depended upon others than himself. Mr. Hastings tendered it for that purpose, He was so anxious that it should be applied for that purpose and that that expedition

Inability to apply it immediately to the purpose.

* "Heus! proximus sum egomet mihi!"—Terent. Andr., act iv., sc. 1.

17 FEB. 1792. should take effect, that it led to discussions and to consequences which it would be obnoxious to mention here. However, in the course of these discussions, the only use Mr. Hastings made of a temporary advantage, from having obtained by the absence of his antagonist a majority at the Board, [was], to show that he had nothing but public motives even in private quarrel. He came instantly to the Board, and by his own casting vote accomplished the measure which ultimately procured the salvation of his country. It enabled him to carry a measure which led the persons to whom that was entrusted, afterwards, in the process of its execution, to give such a decisive blow to the interests and safety of Madaji Scindia, in his own country, as compelled that chief—the blow being given some time in March, 1781—by the October of that year, to form a treaty of peace with the British nation; and which, as its consequence, though not so near as might have been wished, yet at no very remote period, brought with it a peace with the whole Mahratta nation.

The measure subsequently carried out by Mr. Hastings.

Madaji Scindia compelled to treat.

Communication to the Directors in 1780 of the receipt of the presents.

It was in June, 1780, when this measure was proposed. Mr. Hastings, you have it in evidence from one of your witnesses, communicated to Mr. Sullivan, then chairman or deputy chairman of the Company, by a Danish ship, in August following, the fact of having received this present of Sadanund, and its intended destination. He also, in his letter of the 29th of November, 1780, communicates the present from Dinagepore. And all further concealment, I submit, if the Company had chosen after that to ask any questions, was rendered impossible.

Invasion of the Carnatic by Hyder Ali.

About this period of June, 1780, Hyder Ali, who had been from the May in the preceding year collecting his vast forces, came to the Ghats with a force of above 100,000 men. There he waited for some time, in anxious expectation of assistance from France. He was unwilling to venture upon a project of such extensive consequences as an immediate attack upon the British power, without such assistance from that European ally. He paused; but his delay was reproved by the ardent spirit of his gallant son, who asked him—if they were never to make war till they would avoid danger? And, after reproofs of this sort, he, at last, impelled his father reluctantly to give the order which instantly covered the whole plain with that vast, swarthy, multitude, which brought with them desolation, famine, and every mischief. It is so described in an eloquent publication, which I will take the liberty of

reading an extract from—and it exceeds all ideas of devastation and horror that have ever been conveyed to us before— 17 Feb. 1792.

Description of the irruption.

"Then ensued a scene of war the like of which no eye had seen, nor heart conceived, and which no tongue can adequately tell . . . . . they fell into the jaws of famine."

Destruction of Colonel Baillie's force.

Such was the immediate consequence of this irruption of the Mysore army into the Carnatic. Terror and dismay, as your Lordships may conceive, occupied the settlement of Madras. And, that they should not be solely occupied with a terror arising from expected evils, shortly, and too soon afterwards, a large and gallant portion of the British army, under the command of Colonel Baillie and Colonel Fletcher, were cut off by an attack which Tippoo, after having been repeatedly repulsed, made upon that gallant corps. By the opportunity that his father had of escaping unobserved from the immediate view of the British General, upon that occasion, he was enabled to assist his son in that complete destruction and overthrow which at that time fell upon that unfortunate body of men. Not one of above 4,500 troops was left unwounded; most of them were left dead upon the field of battle; and it was owing to the intercession and humanity of some French officers, upon the occasion, that they were induced to give quarter to those who did survive. Those who did survive were carried away, however, to the endurance of horrid cruelties, and indignities worse than death. As [the Carnatic] was connected by political relation with the settlement, every individual of that Presidency put on mourning, and conceived the fatal period of the settlement was arrived.

Danger to the Madras settlement.

Confidence in Mr. Hastings.

At this period, there existed in no human breast in India hope or expectation of better things, but because there was in one part of it the gentleman at your bar, who, they knew, had the vigour and spirit of mind to devise, and generosity and courage to employ, all the resources of every part of India entrusted to his charge, to relieve a pressure upon any one part of its depressed dependencies. In that hope they were not disappointed. This calamity did not find him exhausted, spiritless, dejected, fallen. No! it roused him to still greater exertion. What was the spirit he breathed upon that occasion? What were the measures he suggested? To what his thoughts were turned in that anxious crisis, the minute that he recorded upon that event will best explain to your Lordships.

Minute of Mr. Hastings.

"The Governor General delivers in the following minute:—

"This is not a time either for long deliberation at home, [or the formal

17 FEB. 1792. and tedious process of negociation abroad. The calamity which has befallen us upon the coast, and the alarming superiority which Hyder Ally Cawn has acquired in the Carnatic; the despondency of the Government of Fort Saint George; the consternation and distrust which seem to have spread themselves among all those who are subject to its authority; its utter want of present means and resourses; the diminution of their military strength, and its declared insufficiency for the war which it is to sustain; and, above all, the authentic information which we have received, of a great naval and military armament prepared by the court of France, and destined beyond all doubt to co-operate with Hyder Ally, demand the most instant, powerful, and even hazardous exertions of this Government, to avert the event portended by so many concurrent difficulties. To this point every other consideration must now give place. Without further preface I propose the following resolutions:—

"1st. That the sum of fifteen lacs of rupees be immediately sent to Fort Saint George in specie, and laden for that purpose on the honourable Company's ship, the Duke of Kingston, and the other vessels which are now on the point of sailing for Madras.

"2d. That the treasure deposited in the new fort, including the moiety lately taken from it, be all replaced in the general treasury, to be applied to the preceding purpose, and other exigencies of this Government.

"3d. That a large detachment of European infantry and artillery be immediately sent to Fort Saint George by the Duke of Kingston, and the other vessels which are now on the point of sailing for Madras. To this proposition, as a necessary and essential part of it, I must add the following, viz., that the Commander-in-Chief be requested, and I do, for my own part, make it my most earnest and particular request, that he will proceed himself immediately to the coast, and take the command of the army on that establishment.

"The Commander-in-Chief will pardon this formal and official solicitation. I know the ardour of his zeal for the public service, and that this principle will of itself impel him to be wherever it shall most require his presence; but I think this a case in which it would mark too great an indifference to the public welfare, and too cold a sense of the utility of his services, to leave the offer of them to his unsolicited opinion. I make no scruple to avow that, although I am convinced that the danger impending on our interests in the Carnatic, might be easily repelled, even with the force which it already possesses for its defence; yet I cannot place any reliance upon it unless it shall be properly applied and conducted; that I do not think it has been properly applied, nor expect that it will be properly conducted, unless Sir Eyre Coote will at this crisis stand forth, and vindicate in his own person the rights and honour of the British arms. I mean not to compliment. His military experience; and, above all, the high estimation in which his name is held by the world, and especially by that part of it where it was principally acquired, mark him as the only possible instrument to retrieve our past disgrace, or to preserve the British interests and possessions in the Carnatic from utter ruin.

"Our armies, which have been so long formed to the habits of conquest, will not easily recover from the impression of the dreadful reverse which has lately befallen them, nor be brought to act with the former confidence under unsuccessful commanders. The addition of numbers will not relieve their apprehensions, and will but contribute to oppress the hands which have been already proved too weak to sustain the weight of an inferior charge.

4th. That an immediate offer of peace be made to the Maratta state, in the mode and on the conditions following; viz., that, as the ministers of that state have professed a desire for peace, which has been equally the wish of this Government, even from the commencement of the war; and as the attainment of it seems to have been hitherto impeded by the difficulty of managing a negociation between the principals, situated at so great a distance from each other, to preclude all further delays, we do at the same time offer peace, and bind ourselves to the observance of it, on their acceptance of the following conditions, viz.:— **17 Feb. 1792.**

"1st. That all acquisitions made by our forces in the course of the war, and retained in our possession as the property of the Company, shall be delivered up and restored to the same footing as that on which they stood before the commencement of the war; but that such as have been conquered and ceded in virtue of formal treaties shall remain, and be confirmed to the persons to whom they were so ceded; and the treaties concluded with them remain firm and inviolate.

"2d. That a provision be made for the maintenance of Ragonaut Row during his life; and that he shall be permitted to reside where he pleases, excepting Bombay or any place nearer to Bombay than Surat, but shall receive no assistance from the Governor General and Council of Bengal, nor from any other Presidency of the Company; nor, if he shall chuse any of the Company's Presidencies or settlements for the place of his residence, shall he be permitted to reassert his pretensions to the administration of the Maratta State, without the entire and universal consent and requisition of all the members of the state, who are included as parties in this treaty.

"3d. That the Peishwa and rulers of the Maratta State shall agree to an alliance, offensive and defensive, with the Company, against the French and Hyder Ally Cawn, and shall immediately employ their forces in conjunction with ours in the invasion of his dominions, and in the prosecution of such operations against him, as the circumstances of the war, and the judgment of those who have the conduct of it on both sides, shall determine; and, if, in the course of it, any acquisitions of territority shall be made, these shall be equally shared between the parties to this engagement, in such manner as shall be most suitable to the situation and contiguity of the places or dominions at this time respectively held by them.

"4th. That if the Peishwa will not agree to the proposed alliance, peace be nevertheless concluded, each party retaining what it hath acquired; or that a suspension of hostilities shall take place on both sides during one year from the date of the treaty, for the purpose of negociating the terms of a future and perpetual adjustment.

"5th. That the treaty shall be concluded with the mediation and guarantee of Rajah Moodajee Boosla, who shall be a subscribing party to it, and shall bind himself and his successors to the faithful observance and support of it.

"6th. That the treaty shall be sealed, signed and sanctified, by the respective parties to it, with the most solemn oaths prescribed by their respective religions.

"7th. That one copy of the treaty executed in manner above prescribed by the Governor General and Council of Bengal, being received by the Peishwa or his Ministers, two copies or counterparts thereof shall be in like manner executed by the Peishwa and principal rulers of of the Maratta State, and Moodajee Boosla as the guarantee to it, in

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the manner above mentioned, and shall be transmitted, one to the Government of Bombay and the other to General Goddard, or to the officer commanding the detachment sent from Bengal; that all hostilities may immediately cease on both sides, and each provide for the due execution of the treaty; but, until the treaty shall be thus ratified on the part of the Peishwa, it shall not be binding on the Governor General and Council, neither shall it be binding, unless it it shall be so ratified within two months after the receipt of it.

"5th. That a letter be written to the President and Select Committee of Bombay, and a similar order to General Goddard and Major Camac, requiring and commanding them immediately to suspend all hostilities and military operations on the receipt of a requisition in writing to that effect, and a notification from the Peishwa, that the like order has been given on his part to the officers commanding his armies; and that the Peishwa be advised of these orders, that if desirous of peace, he may make the said requisition and notification accordingly.

"6th. That the treaty being executed by the Governor General and Council, in the manner specified by the 6th and 7th Articles of the 4th Resolution, it be forwarded to Moodajee Boosla with two blank copies of it; that if he should approve of it, it may be previously ratified on his part as guarantee, and transmitted with the treaty executed by this Government to the Peishwa for his ratification, in the manner prescribed by the 6th and 7th Articles of the 4th Resolution.

"This is all that I propose as immediately necessary. The Commander-in-Chief will offer such a plan for the distribution of our troops and other military arrangements, as appertain to his separate province.

"Other subsidiary measures may be the subject of futute deliberation."] *

Suggestion by Sir Eyre Coote of demand of 1,000 horse from Cheyt Sing.

My Lords, in addition to what has been read on this subject, Sir Eyre Coote suggested for the defence of [the province of Behar] a thousand horse, if they could be procured from the Raja of Benares. This arrangement of forces was deferred till a later opportunity.

* Mr. Hastings' Minute, dated the 25th September, 1780, is printed in the Appendix, No. 310, to the Sixth Report from the Committee of Secrecy.

CONCLUSION OF THE SPEECH OF EDWARD LAW, ESQ., COUNSEL FOR THE DEFENDANT, IN OPENING THE DEFENCE UPON THE SEVERAL ARTICLES OF THE CHARGE; 21 FEBRUARY, 1792.

21 FEB. 1792

Desire to compress the subjects of the address.

MY LORDS,—I am not aware that I can in any manner more fitly express the high reverence I bear to this tribunal, nor in any manner more suitably exhibit the gratitude which I owe to them for the very patient condescension with which they have heard the observations and arguments I have attempted to lay before them, than by abridging and reducing into the narrowest possible compass the remaining topics which I have now to offer to their consideration. I trust I shall be able to reduce those topics within that compass of time which your Lordships ordinarily allow for the sitting of one day.

Irruption of Hyder Ali into the Carnatic, in 1780.

I beg leave to draw your Lordships' recollection to the period of time at which the matters which I took the liberty of discussing before your Lordships closed, on the preceding day—I mean, the period of September, 1780, at which time those minutes were entered by Mr. Hastings and Mr. Francis which I took the liberty of reading to your Lordships, towards the close of the last day.

Your Lordships will recollect, that, at this period of time, the interests of the East India Company had received a very severe blow by the irruption of Hyder Ali into the Carnatic; by the loss and destruction of a very large and powerful detachment of our army: and your Lordships will recollect the dismay and despondency which that event had occasioned in every part of the dependencies of the Madras Government.

Firmness of Mr. Hastings.

My Lords, I stated that this event found Mr. Hastings collected, ready to meet all the exigencies of that alarming situation; that he directed his mind to the after resources which might enable him to supply the failing aliments of life and war; that he displayed all that magnanimity which I conceive to be his characteristic in every situation of emergency, whenever his country or the Company have had any demand upon those qualities.

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Contrast of Mr. Francis's conduct.

My Lords, I was proceeding to exhibit, in contrast with those qualities—which is a duty I owe to my client, a duty I owe to the public, interested as they are in the conduct of their servants in great occasions of public danger—I was proceeding to exhibit, in fair but pointed contrast, the conduct of that other servant of the public, then stationed with him in a situation of similar trust in the Government of Bengal, and was calling upon your Lordships to pronounce which of them had that spirit which is useful in situations of emergency—which was that servant whose mind was best fitted to the situations of danger, and who was best able to extricate his country and the Company from those situations. Your Lordships see the characters and minds of these two servants strongly pictured in the history before you.

Mr. Hastings tells them it is a situation which called upon them for the most instant, powerful and hazardous, exertions. The language of Mr. Francis breathes a spirit of more coolness and caution. He tells them that the sum of fifteen lacs, which was proposed to be sent by Mr. Hastings to supply the Presidency of Madras, was too great—was larger than their own occasions would allow them to spare. And, as to sending any troops, he was adverse to that proposition, concentrating all his care in the preservation of the Government of Bengal; solely, selfishly, considering that individual province, and separating it from the general mass of British dependencies.

Endeavour of Mr. Francis to withhold troops and money from Madras.

Mr. Hastings was animated by a very different spirit. He gave to the Presidency of Madras all that it at that moment wanted—the best boons that it was in the power of the Company to bestow. He gave them an able general, a powerful army, and an ample pecuniary assistance. His opponent would have given them, indeed, the general, because the absence of the general removed an opposite voice in the Council. He, therefore, readily acceded to the proposition of delegating the general upon that errand; but, as to giving him the troops that might enable him to exert his great military talents with effect—as to giving him that money which is the life of all operations of war—to both these propositions he was adverse. Half of the money, indeed, being all that he could spare with a prudential regard to the establishment of Bengal, he consented to give; but not one man, of all the military stationed in that Presidency, would he have lent for the defence of the rest!

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My Lords, if this cold, this frigid, counsel—this political pusillanimity—for I mean no other—should have at that moment been carried into effect, and if, for the punishment of the British nation, at that period or at two other periods which I shall shortly state, two unfortunate crises, that gentleman had been able to carry into effect the measures he proposed, we should have now been talking of the British empire as we talk of the Ghuznian empire, and of the Seiad dynasty. Thrice was your empire in peril by the measures of this gentleman. Thrice was it saved by the gallantry and spirit of the honourable gentleman who sits beside me!

Danger to the empire from Mr. Francis's pusillanimity.

The same language of cold prudence was held in 1778, when it was proposed to send a detachment overland, under Colonel Leslie; and which, by the negligence of that officer, failed to a certain degree, yet, afterwards, under the command of Colonel Goddard, was able to restore the strength and vigour of the British power on the western coast of India. After the dismaying event of the convention of Woregaum, and the calamity that attended the attack upon Poona, if his vote had been successful, upon that occasion, when he deprecated the detachment of that force as weakening the strength of Bengal, which he contended was the principal point which in all our consultations and considerations we were to look to, if he had succeeded, to the extent of preventing that force going at the moment in which the ill success of the expedition against Poona happened, that moment our settlement of Bombay would have been at an end; all our force upon the western coast must have fallen; and that member of our dominion would have been severed from the British crown for ever.

Danger from the same cause to the expedition to Bombay.

There was another calamitous period, in which the same spirit would have produced the same effect. For, my Lords, the idea of immediate protection of the country in which we are, without considering the effect on other parts of our government, is, as everything personal and narrow is, politically mischievous. And it would upon this occasion have been most essentially so: for that measure, which had the opposition of this gentleman, I mean the measure of detaching the force under Colonel Camac, proposed by Mr. Hastings in June, 1780—for the purpose of carrying which measure he devoted his character, in the acceptance of that present, at his own personal risk—that measure, by so many means attempted and ultimately achieved, had never been

Opposition of Mr. Francis to the measure of detaching Gen. Camac.

21 Feb. 1792. achieved—that force would never have been devoted to the northern part of India, which drew off Madaji Scindia, and, presently after, produced the Mahratta peace and the preservation of our dominions in that part—that measure would not have had an existence, but from the fortunate concurrence of circumstances I stated to your Lordships on another day. It had its most powerful opposition from the gentleman on whose conduct I am now commenting; and I consider it as a fair comment and contrast with the conduct of the gentleman before you. Judge for yourselves, if the measure of the one or of the other had succeeded, what would have been the different fate of the empire, the interests of which we are now considering. In that event, if Colonel Camac's detachment had been prevented from going, and Colonel Leslie's, from the mere view of safety to Bengal, that narrow prudence would have been the ruin of your empire.

Mr. Francis's opposition to supply of troops and money to Madras.

Again, in the year 1780, on the 25th of September, when it was proposed to send the general with a large supply of money, and with a large force under his command, if the minute of that gentleman had been effectual, and there had been only leave given to the general to go, without a force to sustain him and without money to pay that force, the object of the expedition would have been crippled and destroyed, and no effective service could have been thereby procured to the country. For, if Mr. Francis's proposition had succeeded, do you think that General Coote, jealous of his well acquired fame in that quarter of the globe, would have suffered himself to be sent out to be disgraced? would have suffered himself to be sent out without troops, and to go to that dispirited army—necessarily so by the great calamity that had happened there—carrying out no reinforcement of fresh soldiers, no means of paying those that were there? Is it possible he would have committed his fame on such an enterprise? Therefore the whole would have been frustrated, if the measure proposed by Mr. Hastings, in its full extent, had not been carried.

Policy of Mr. Hastings' proposition.

Mr. Francis, in his minute, desires them to remember that the general instructions from the Directors are, to make the safety and prosperity of Bengal the principal object of all our deliberations and consultations. My Lords, Mr. Hastings did so! But he did it by a manly and liberal policy. The safety of Bengal was best promoted by making the field of war the Carnatic; leaving those already desolate pro-

vinces to suffer the calamities of war, rather than bring the enemy home to our own doors, and plant them in the very heart of Bengal. The consequence would have been, if we had not sent that force—and we could not have sent it but in the terms of Mr. Hastings' proposition—that Madras would have fallen; that instantly the Nizam, and then Mudaji Bosla, [would have been] driven to assist in the operations of the confederacy with the Mysore army; and we should no longer have had place or name in that country. On this occasion and every other, Mr. Francis reminds them of the directions of the court of Directors—"Remember what our fathers have often told us"—and puts them in mind of the lesson of instruction they had received from home. But that lesson must be always qualified by a proper adaption of it to the circumstances. The Company never had, nor could have contemplated, such a situation as that in which their servants were then called to act; and, therefore, it was absolutely necessary for them to qualify the preservation of Bengal with the existing circumstances, which called upon them to protect the other dependencies, on which their safety ultimately rested. 21 Feb. 1792.

My Lords, what was the general and who was the person that Mr. Hastings thought proper at that time to put at the head of this force? Fortunately for his country, the service did furnish a person who had acquired as much glory in that country, to which he was now about to be sent the principal commander, as any other servant—or more than any other, with the exception of Lord Clive—had acquired, in all our campaigns in India; for the signal victory of his at the battle of Vandivash is certainly classed by every historian, and every person well weighing the event and consequences of these operations of war, the next to the battle of Plassey, in which he was an useful instrument himself. Colonel Coote, having served at the battle of Plassey, was afterwards in command on the coast. At that time, the French and British forces being nearly equally poised in point of strength, the battle of Vandivash gave that superiority to the British force that the French power never raised itself with any considerable effect thenceforward to this hour. Colonel Coote, setting aside the native troops on both sides, defeated an equal number of French with a very moderate part of his own army. His character and conduct were so eminent, that the lustre of an action which would at other times enoble a campaign is almost lost in the superior splendour of Colonel Coote. I

Appointment of Sir Eyre Coote as general.

His previous successes.

21 FEB. 1792. mean, the gallant conduct of a Major Brereton, who did—what was unexampled in the history of military operations—devote himself to death in the moment of victory, rather than detach one single sepoy in attention to his own person. Having received a mortal wound, and the sepoys offering to carry him off, he said, "No; leave me; pursue your victory." I only mention this to show how transcendent the conduct of Sir Eyre Coote was, if it has buried such a circumstance of military glory in oblivion. After that, Arcot, Vellore, and other fortresses, which I will not trouble your Lordships now with the mention of, fell before his victorious army. Vandivash soon afterwards fell; and we obtained, what we have held from that moment—the undisputed dominion of the Carnatic.

At this period, I have stated, Sir Eyre Coote, by the powerful importunity of the Governor General, was induced to give to the army that which they most wanted—a general whose name inspired confidence, and assured them of well conducted and successful enterprise. At that time, he suggests, likewise, a distribution, or rather desired the general to suggest a distribution, of the force necessary upon that occasion; and Sir Eyre Coote, in suggesting the force that might be necessary to be employed, considering that there would be detached to the amount of eight battalions upon one view, and four upon another—the two views I will state presently—thought it would be necessary to strengthen the provinces of Bengal by all the additional assistance he could procure for them. And, therefore, at that moment, Mr. Hastings suggests that a thousand horse should be obtained from Cheyt Sing, as the proposition of Sir Eyre Coote, for the necessary defence of our home government, when it would be exhausted, to a certain degree, of its internal and ordinary strength.

Suggestion of Sir Eyre Coote of demand of 1,000 horse from Cheyt Sing.

Negotiation with the Berar Raja.

The consideration of the forces that were to be employed upon the occasion, and were to go with Sir Eyre Coote to Madras, was deferred to a future opportunity; as it was uncertain what might be the success of the then pending negotiation with the Berar Raja. Because, in the event of his being so far conciliated as to permit the eight battalions being sent to reinforce Sir Eyre Coote on the coast, it would not be necessary to send any force by sea; but, in case a free passage by the way of Cuttack could not be obtained, then it would be necessary to send four of these battalions by sea, with all expedition. This measure was taken *ad*

referendum, till the result of this negotiation with the Berar Raja might be known. The result of that negotiation was, by an application of a part of that money stated to have been certainly received by Mr. Hastings, and for which he is now in question before you—by the application of three lacs immediately to the army under Chimnagi Bosla, the son of the Berar Raja—that they were induced by that, and by a subsequent negotiation, when a further sum was given, to permit the free passage of the British forces through Orissa, by the way of Cuttack, over a sort of causeway, with the sea on one side and morasses on the other—the only accessible way by land by which they could communicate with the coast of Coromandel: that pass afterwards was left open to the British force. The Commander of the Berar Raja's army drew that army away, under pretence of going after the Raja of Decknall, and left the passage open, for the march of Colonel Pearce and the army that were to go to relieve Madras.

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Free passage allowed to British troops through Orissa.

My Lords, he did more. By the successful employment of those means, and by a negotiation opened upon a broader ground by Mr. Anderson afterwards, not only the forces were permitted to enter Orissa, but they were supplied by a plentiful bazar of provisions, furnished by the Berar Raja, in the whole course of their passage. Nay, more—so far was the force of that power transferred in the opposite scale to that in which it had been placed before—that of the hostile confederacy—that 20,000 horse attended us all the way to the Northern Circars, to protect and lend any kind of assistance that might be necessary for the purpose of maintenance, or any other want that such a body [as our army] might be subject to. This was the effect of one of Mr. Hastings' reprobated acts of government!

Supply of provisions by the Berar Raja.

Sir Eyre Coote, upon his arrival on the coast:—and I would here mention, before I land him upon the coast, how little your Lordships, in a great question of this sort, are to weigh minute deviations from the letters of orders. Had Mr. Hastings hung upon such points at this moment the country again would have been lost. There is a subsisting order that no Company's ship is to navigate these seas during the monsoon. The general, the treasure they sent with him, the troops that were to sustain him, were all navigated in laudable breach of these orders—exposed to the risk, indeed, of that period in these seas:—being arrived at Madras, he restored

Judicious disobedience of orders of Directors in forwarding the troops.

21 Feb. 1792. confidence to the falling spirits of the army [which was scarcely equal to the effort required of it] even at last, with all this assistance—a pittance of which only the liberal and generous spirit of Mr. Francis—I mean his political spirit—would have given.

Demand of increased allowances by Sir Eyre Coote, in 1779.

This gallant officer had some time before arrived in India. He had arrived in the year 1779; and, upon his arrival, had felt a considerable degree of disgust, perceiving that the allowances which he was to receive as Commander-in-Chief of the British forces in that settlement were considerably less—less, I think, by at least three thousand a year—than [those of] the provincial Commander-in-Chief on the same establishment. He felt some indignation upon the subject; and Mr. Hastings, conceiving that the Company, with a just view of all the circumstances, would not have so arranged the emoluments of their military principal officer, consented, and did it as an act of the Board, to make such an addition to the field allowances of this officer as should enable him to travel to the distant stations of the army, to perform the various functions of that command, at a time when that command called upon him for an extraordinary activity, without diminution and injury to his private fortune. And, though Sir Eyre Coote had come out upon exactly the same salary that General Clavering had come out upon, yet your Lordships may know—or, if you do not, it is competent for me to prove—that General Clavering had expressed great dissatisfaction with the Company for the minuteness of the sum allowed him; stating that, if he visited the remote stations of the army, he must necessarily be a sufferer to a considerable amount in his private fortune.

Consent of Mr. Hastings.

Previous dissatisfaction of Gen. Clavering with the allowances.

Absence of personal motive in Sir Eyre Coote.

Sir Eyre Coote arrived in 1779, at the time when this hostile confederacy was formed, at a time when it was necessary to secure and superintend every part of the British force and its dependencies. Could Mr. Hastings have a personal motive in making these field allowances to Sir Eyre Coote, who was to receive the principal part of them from the Wazir, when beyond the Kalmanasah? This, so far from being a measure of selfishness or advantage to Mr. Hastings, severed from him the general. He immediately, instead of acquiring, lost a majority by the measure, supposing the general disposed to assist him in Council. He lost the benefit of his voice at that Board; and, therefore,

stands acquitted of any idea of personal consideration. Nor can any motive be suggested for this transaction but a purely honourable public one.

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Order of the Directors for discontinuance of the allowances.

I stated that Sir Eyre Coote, about the close of the year 1780, had sailed for Madras. Soon after he arrived there, when the empire hung upon his sword, when any alienation of his mind from the great public service upon which he was employed might have been a mischief of incomputable extent to the Company and the British nation—at that moment, an order arrives from England directing these allowances to be discontinued. I will not stand upon how far it may be in proof before you that Mr. Hastings had any notice of, or gave approbation to, the continuance of these allowances at the expense of the Wazir. There is a letter written by Mr. Crofts to Mr. Bristow, in which he mentions these allowances to have the approval of Mr. Hastings, and desires that they may be paid to Sir Eyre Coote; and Mr. Hastings, in his answer, referring to it, is in some measure supposed to recognise the existence of that order. I do not stand upon it; I will give them more proof than they have upon the subject. If Mr. Hastings had not done as he did, in soothing that great officer at that time, when he might have been very much affected and very indignant at the sort of treatment he received at that moment—if he had not done as he did, he would have been wanting to the interest of his employers. The Company, at the time they gave these orders, which were received in April, 1781, did not know how urgent would be the situation of their affairs at the time of the arrival of that order. They did not know that Hyder's vow had been nearly accomplished—that he would not leave one white face to be seen in the Carnatic by the next monsoon. They did not know that whether they were an empire in India depended upon the exertion of that person whom Mr. Hastings had sent in supreme command to that station, and the manner in which that command should be exercised.

The Directors ignorant of the dangerous state of affairs in India.

Probable approval of the Proprietors.

If Mr. Hastings could have called before him all the collective Proprietors of the India Company—if he could have put to them the situation of peril in which he was placed and in which their possessions were at that moment situated—if he could have consulted with them—what would have been the answer they would have given? They would have approved his conduct. They would have said —"We were too narrow in our allowances. We did not

21 Feb. 1792. contemplate at that moment the situation in which Sir Eyre Coote might be placed—that he might have one establishment at Madras, another in the field. We did not mean to reduce him to penury." And yet such would have been his situation, if he had not received the increased field allowances which at this moment were granted to him by Mr. Hastings.

Vindication of Mr. Hastings.

I am unwilling to tread this ground with reference to Sir Eyre Coote much further. If Mr. Hastings, at this moment, when the safety of our empire hung upon the sword of that officer, sacrifices to the only passion of that great man which threw a shade over his other great and eminent qualities, I should think his conduct, not only venial, but praiseworthy by his country. My Lords, he exposed his name; he exposed his character; he encountered the risk of that which at this moment he is enduring, for the sake of the country that he saved. Therefore, even if you should be inclined to impute, which I hope you will not, in candour, for the merits and character of Sir Eyre Coote—if you should be inclined to impute much blame to him, I trust you will think that no part of it, in justice, can light upon that gentleman at your bar.

Mr. Hastings' loss of power in the Council by absence of Sir Eyre Coote.

My Lords, I before stated that for the measure, when originally proposed in 1779, Mr. Hastings could have no personal motive, inasmuch as he lost the immediate support of the general in Council. In the year, 1780, he lost it for ever. He gave up every consideration of pride, power, personal interest; he made it all a sacrifice for his country at that moment, in suggesting the propriety of adopting the measure of sending Sir Eyre Coote.

No evidence of the presents beyond Mr. Hastings' own discovery of them.

My Lords, I would observe that, beyond the voluntary, complete, discovery of Mr. Hastings upon the subject of presents, you have yet attained not an iota of any evidence whatever, notwithstanding discoveries have been solicited and every means applied, but applied in vain; for this reason—because no instance existed; Mr. Hastings having disclosed it to the Company, and brought it to their account at that moment when they wanted that very sum which had been received by him—and received by him only for the purpose of its application. This Indian Verres, forsooth, is wonderfully distinguished from the Verres of whom we read in other instances! Of whom do the subjects of his government complain? Not of the accused, my Lords, but of the accuser! Their language is the language of the Sicilians,

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applied with a different purpose. This my Lords is the language in which they hail their defender. This is the language in which they disavow the accusation of him and the defence of themselves.

Contrast of language of Mr. Hastings' accusers with that of the people he governed.

My Lords, I will state, in a few instances, in what manner the Defendant has been regresented at your bar. I will relate the genuine words as they fell from the lips of his accusers, and I will not use a word of comment upon them. Your Lordships' own enlarged and liberal minds will make the application and the comment. I will then contrast that language, in which he is described by those who do not know him, with the language which is used respecting him by those who do know him, who have lived under the blessings of his beneficent administration, protected and happy, for thirteen years!

Quotations from speeches of the Managers.

One description of him is, that he has "a heart blackened to the very blackest"—a heart "gangrened to the very core;"*—"that he is the head, the chief, and captain-general of iniquity; one in whom all the frauds, all the peculations, all the tyranny, in India are embodied and disciplined in array."† I shall not undertake an Herculean labour of the least delicate sort, by travelling through the whole of this language which has been applied to Mr. Hastings. I shall certainly state a very few instances, merely for the purpose of a contrast, which I shall apply presently, from testimonials given of his conduct and his government, with which the tables at the India House have been covered, and with which, if I understood the honourable Manager rightly, he proposed that your Lordships' table should be covered, before the prosecution closed against Mr. Hastings. He has been described as "ferocious, ignorant." This, as applied to the understanding, is not so material. Then, as if the whole British language would not furnish terms of reproach, the learned Managers have, forsooth, pursued their inquiries for convitiatory terms into the language of the ancients. I wish they had either given the language as it is—I mean for the sake of the excellence of the language—or that they had translated it, as they well could, themselves, and not given us the meagre and bald language with which one of the Managers favoured us:—

["When we hear of evils such as these it is scarce possible to conceive that they should all arise entirely from the acts of one man. No, not of

* See Mr. Burke's Speech in opening the prosecution, vol. i., p. 7.
† Ibid, p. 8.

21 Feb. 1792. one, but of many corrupt and abandoned traitors, of whom he stands supreme—he whom, if no regards controlled me, I should not hesitate to call the accursed destroyer of persons, places, provinces—all that were involved in the general devastation:] for the sower of the seed must surely be considered as the real author of the whole harvest of mischief." *

And so he goes on, pursuing the oration from the ground of Demosthenes †, in a very ordinary translation, as it strikes me. The honourable Manager, by a translation of his own, might have rendered it much better. The language goes on increasing in harshness, till one honourable Manager states him "to have the foulest heart that ever existed in the bosom of man;"—"to have gone on, in the progress of vice, from a bare simple lie to the foulest murder!" Here I stop; language can go no further. The language is ransacked for the purpose of heaping epithets and terms of reproach and contumely upon the head of this gentleman.

Testimony of the Government of Moorshedabad in favour of Mr. Hastings.

Now, my Lords, hear how he is spoken of by those who best know him. This testimony is from the Government of Moorshedabad:—

"It is written for the information and knowledge of the gentlemen in power under the King and Company of England, that we have at this time learned by the news from Europe [that a few persons, not being fully acquainted with the real state and customs of this country, have represented matters with respect to Mr. Hastings contrary to truth and fact, have thrown the minds of the ministers and people of England into a state of doubt, and have injured Mr. Hastings and aspersed his character. As Mr. Hastings, from the time of his arrival until his departure, administered the affairs of this country with great propriety and splendour, always sought the prosperity and welfare of the family of Nawaub Meer Mahomed Jaffier Khan deceased, according to the purport of the treaties and engagements; laboured for the satisfaction, for the preservation of the honour and character of every one, according to his rank and station; and avoided every circumstance which could occasion us distress or indignity, we were and are pleased and satisfied with him,"] etc.‡

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* See the Speech of Mr. Grey, in opening the First Charge, vol. i., p. 305.

† The sentiment and, in some degree, the expressions are adopted from the Oration of Demosthenes in Defence of Ctesiphon:—"Do not, therefore, O men of Athens, as you walk and converse together, ascribe the miseries of Greece to one man alone. Not by one man alone, I here attest the powers of earth and heaven, but by a multitude of abandoned wretches, dispersed through all our republics, and among whom Æschines may be justly numbered, have we been thus totally undone, this Æschines whom, if it were necessary to make the plain and unreserved declaration, I should not hesitate to declare the universal ruin of all the men, the territories and cities, that have been destroyed in consequence of these fatal measures; because whoever sows the seed is author of the harvest."—Orations of Demosthenes, translated by Mr. Francis, 4to, London, 1758, vol. ii., p. 433.

‡ Printed in the "Minutes of the Evidence," p. 2350.

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Other testimonials.

My Lords, there are a multitude of others in which bodies of men are attesting, and attesting not by a mere signature, but by the solemnities of their religion, invoking the Divine Being for the truth of that which they signed and uttered. There is not a district hardly in all India, where the influence of his government may have reached, which has not sent forth these testimonials to his character, to his virtue, to their own sense of the important blessings they derived under his beneficent administration.

One of them says, swearing by the prophet and holy Evangelists,—

> "Without ever having seen Mr. Hastings, I am thankful to him. In truth, that excellent gentleman was without an equal. Even in former times there were few rulers so just, and possessed of such liberality, that all mankind, from the high to the low, from the great to the small, should, on all accounts, be thankful to him; that not one individual of the whole human race should complain of him. God is witness that the late Governor General is one of those rulers who are of distinguished eminence. Wherever he is, may God preserve him under his holy care and protection!" *

My Lords, this is the manner in which the people of India speak of the man who is supposed to have made vexation and degradation, if not his object, the result, at least, of his government.

Desire of Mr. Hastings to detach the Nizam from the confederacy.

My Lords, at this period of time, about the year 1780, Mr. Hastings thought it necessary to divert another member of this confederacy from purposes which were hostile to this country, I mean the Nizam. He had been offended of old time, as I stated to your Lordships, by retaining from him—what he had indeed granted—the Northern Circars; but he had received more recent offence, by retaining the succession of the Guntoor Circar from [his brother], upon whose death it was to devolve to the Company. He was soothed by [the concession of the Circar]: his own tribute was adjusted with him, and he was, as well as another member of the confederacy, Mudaji Bosla, also detached from them. In a short period of time after, Madaji Scindia was, as its consequence,

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* Printed in the "Minutes of the Evidence," p. 2380. At this point the counsel was interrupted in his speech by a question from Mr. Burke:—

Mr. Burke.—I beg pardon for interrupting the learned Counsel; but I beg the favour of being informed who this anonymous swearer is?

Mr. Law.—I would gratify the honourable Manager, but I have laid it down as a rule to myself, in order to avoid any interruption to what I am discussing, [to give no reply]. The honourable Manager is acquainted with the fact: if it answered any purpose of information to him, I would most readily communicate it.

21 Feb. 1792. at somewhat a more remote period of the Poona Government, detached likewise, leaving us to conflict singly with Hyder Ali, or rather Tippoo Saib, his successor afterwards, alone;—alone, perhaps, a very equal enemy to contest with.

The troops in Madras dependent on Bengal for supplies.

Upon the arrival of Sir Eyre Coote upon the coast, I stated what force he found. But not only that force, but the whole Presidency of Madras, having the country of the Carnatic and Tanjore, from which they used to derive the supplies of grain, wholly wasted, looked up to Bengal for all the sustenance, for all the aliments, both of life and war. These aliments were supplied. As to the supply of grain, an excellent contract, or rather, I should say, agency, at that time entrusted to Mr. Auriol, formed the best and most excellent supply to the settlement in that emergency—a supply, as it turned out, perfectly adequate to their wants, and which failed in no manner whatever: which is the common case with almost all contracts, where either the substance of the contractor may not be very adequate, or the risk attending performing the contract not very small.

Mr. Auriol's agency.

Recent recurrence to agencies for supplies.

By advices, since the last adjournment of this trial, from India, we find that the mode of supply by agency is recommended to be adopted in all future times, stating the precariousness, at least in time of war, of all supply by contract; therefore, confirming strongly the propriety of Mr. Hastings' conduct, in entrusting the supply of the settlement at Madras, upon which everything important depended, upon no less resource than that of agency—but entrusting it to a person who is enabled, by an immediate supply from the Company, to supply the money to the person performing that contract, and to sustain by that supply the British settlement in that part of India.

System of accounting upon honour.

It has been suggested, that, by this agreement of agency with Mr. Auriol, he was to account upon honour and not upon oath. That was a fact in respect to all agencies, where the agent, not buying the articles immediately himself, or knowing what each article might have cost, so as to be able to swear to more than his knowledge and belief, did act and account upon honour. But Mr. Auriol, afterwards, offered to account either upon honour or under any other obligation the Company might choose to impose. And, that it may not be questioned whether he would so account, he will, in the course of the evidence we shall lay before your Lordships, probably appear as a witness, and prove to your Lordships, as he did to persons entrusted for the Company then, the

fairness and the reasonableness of the terms upon which that agency was granted. 21 FEB. 1792.

Apprehensions of Sir Eyre Coote from failure of supplies

Notwithstanding all these supplies, Sir Eyre Coote still continued in a state of great anxiety as to his army. His letters are full of the most urgent importunities to the Bengal Government; begging them, for God's sake, to continue that unsparing liberality with which they had hitherto sustained them, and stating, in the most urgent and feeling terms, that all their safety, their being, political and natural, depended solely upon the provident care of Mr. Hastings.

Deficiency in the treasury.

At this time, Mr. Hastings was draining the treasury to supply the armies actually in the field, and the troops in Bengal were some months in arrear. At this moment, in October of the year 1780, the treasury had a balance of 29 lacs against it. Allowing the 15 lacs that were sent with Sir Eyre Coote as a deduction, there was at that time, computing the expenses to the 5th October, a deficiency of 29 lacs; and, even in the month of February following, there was in the treasury of Bengal no larger a sum, in actual coined specie, than 30,000 and odd rupees; the whole treasury constituting altogether no larger a fund than 11 lacs of rupees.

Retirement of Mr. Francis at a period of extreme difficulty.

In this period of distress, it seemed fitting—I arraign not his motive—it seemed fitting to Mr. Francis to relinquish the irksome duties of his situation and to retire within the peaceful bosom of his native land, while every thing that was calamitous, while the blow that was expected from France, was impending, and was every moment expected to light upon the devoted head of the British Government. At that moment, with a treasury exhausted, with a dispirited army, with nothing safe but what was under the immediate controul of Mr. Hastings' government of Bengal, and to which alone Mr. Francis's apprehension seemed to have extended, and which Mr. Hastings had preserved from all reasons of fear by having begirt it with alliances—Asoff-ud-Dowla to the north; the Berar Raja to the south—in short, having girded it round by an impregnable barrier of allies, well affected to and compacted to the British Government—at that moment, when nothing was safe but Bengal, but when all the rest of the hemisphere was clouded by every present and every coming calamity—at that moment, when the tempest lowered and thick darkness and clouds were gathering—it seemed fit to Mr. Francis to relinquish his situation, which held out at that time no further lure either

21 Feb. 1792. to his ambition, interest, pleasure, or glory: he, at that moment, relinquished his situation and took his passage on board a ship for Great Britain!

His manifesto from St. Helena.

My Lords, I will not accompany him on his voyage to St. Helena, where he published a manifesto, throwing all the British part of Europe into despondency, as he had, in effect, infused the same sort of sentiments, about the period of the 25th of September, 1780 [into the residents of Calcutta], by his dispiriting conduct. Here I leave him. He afterwards wrote a letter to the Company, predicting the immediate downfall of the British interest, which prediction of his Mr. Hastings was labouring to falsify. He was labouring to sustain the hopes of others and to lay a just foundation for his own.

His prediction of the downfall of the empire in India.

Justification of Mr. Hastings' conduct towards Cheyt Sing and the Begums.

My Lords, at this period of extreme and urgent distress, if Mr. Hastings had felt more indignant—if he had felt the utmost indignation—against the reluctant and tardy obedience of an obliged and favoured dependant of the India Company, if at that moment he had obliged him to drink some few drops of that cup of bitterness which he was forced to drain to the dregs, it would have been venial, and we should have made some allowance to human infirmity on that occasion. But I will not ground any part of Mr. Hastings' defence upon anything that shall be considered, either as to Cheyt Sing or the Begums, as founded on necessity. His conduct in respect to them was founded upon strict right, arising out of the relative situations in which both of them stood to the Company, under their respective engagements with it; and, in respect to Cheyt Sing, according to either the immediate terms of this convention, or the immediate policy of that country, or the general policy of the relation that subsists between sovereign and subjects throughout the whole civilised world.

Demand of troops from Cheyt Sing.

The period had arrived, I have stated to your Lordships, —November, 1780—in which the Company had occasion for the active assistance of his force. It was notified to Cheyt Sing that they desired from him, not any definite quantity of force, but such as he could supply; and he was reminded of the bounty of the Company, in that letter, and that he owed everything to them. Now what was the force that this dependant of our empire could have supplied?—for I will not travel over the ground of establishing his tenure, the duty he owed this country, or how strongly Mr. Hastings' demand is sanctioned by an appeal to this country; having discussed that already, I shall leave it with the observation

I have made upon it. He made a demand upon him for a force. By *imperium in imperio,* it is not suggested that the vassal shall keep for his own state and pleasure that force which the general sovereign of his country has need of. The force asked, at first, by the private communication between the Resident and him, was such a quantity of force as it was conceived he could conveniently have supplied: he was asked for two thousand horse. Could he have supplied them? Yes! More appear in complete array and equipment. The stationary troops, constantly in his pay, amounted to 7,690 regular forces. Of these, above 2,500 were cavalry; and, in addition to this, a number, to the amount of 22,000, was within his immediate call from his dependencies and other connections, whose force he could compel into the field. The whole embodied force of this man, at last, added to the tumultuary force of husbandmen and others, when he raised his rebellious head against the Company, amounted to 40,000. Now, what is the demand made by the British Resident? He asked for two thousand. He states himself incompetent to yield any such number. The demand sinks to 1,500—to 1,000—to 500. He refused the 500. Then 250 were asked, but not sent; and the Resident reproached him when he was in his palanquin, and attended by a body far more than equal to the number I last stated, which he might have well spared in the exigencies of the Company. He had usually attending upon him a force which might have answered one of our requisitions, at least. He had, at the time Mr. Hastings came to Benares, attending upon him, as if for insult and to show how unfounded his resistance to our demand was—he had attending him, as appears by the affidavits in the Benares Narrative, at least 600 horse, attending him for state. And this man refuses 500, and does not send 250! Is not this ingratitude, aided by the grossest contempt of our power? Is not there every mark of disaffection, and contempt of the British power and consequence, couched in this refusal? For he dared not have refused, if he had not conceived that we were too weak to have enforced the demand. Would this man have ventured to have refused any of the native princes of his country, standing in equal situation of right? Had Suja-ud-Dowla demanded them, would he have trifled in this manner? Therefore, instead of blaming Mr. Hastings for his intending possibly to levy upon him the sum of 50 lacs, I blame him—Cheyt Sing having forfeited his tenure under the Company

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His refusal to furnish the required number.

Numbers of troops usually attending him.

Greater severities warranted by his conduct.

21 Feb. 1792. by this wilful act of disobedience—that he did not confiscate that tenure; that he did not order him down to Calcutta, as Mohammed Reza Khan was ordered down, with his whole family, to Moorshedabad. It was his lenity that he did not instantly command the attendance of this haughty vassal at Calcutta, and divest him of the executive administration of his country—at least, divest him of those fortresses he was raising in that country, and divest him of the command of every sepoy.

Demand of 50 lacs from Cheyt Sing not excessive.

The demand is supposed, as it existed in the contemplation of Mr. Hastings—variable, indeed, according to circumstances, and by no means ascertained and fixed—to have extended to the sum of fifty lacs. What did the country yield? According to the account Murteza Khan gave, in 1775, it would have yielded to us, if we had had it in our hands, fifty lacs. Then it is only one extended year's profit of his zamindary. Is that excessive? Say, it is two years of the net profits of his zamindary. Is that excessive? He had forfeited the whole: all the rest was lenity, mercy, condonation. I bottom myself upon this, that these acts of contumacy—the refusal of this repeated demand of military aid, in the shape of the commutation to which it was reduced, of five lacs annually; the tardy performance, at last, of them; and, ultimately, the peremptory refusal of force, demanded in the crisis and moment of our danger, in the year 1780—were a renunciation of his dependence upon the Company; were a forfeiture of everything that he held in virtue of his sanad; and that Mr. Hastings was clothed with a perfect right to have dispossessed him of his zamindary, and to have reduced him to the original state of nothingness from which his father was raised by Suja-ud-Dowla.

Cheyt Sing's conduct construed into a renunciation of dependency.

Question of amount of punishment.

My Lords, I think I have established that he was deserving of punishment for his act of contumacy. And, where there is no established meaning by which the quantum of punishment is to be proportioned to the quantum of the offence, the Government must, necessarily, ascertain it for itself, according to the principles of fair equity, and with a reasonable admixture of the principles of mercy. Mr. Hastings, who, as I stated, might fairly, according to every principle, have considered this as forfeited tenure, assesses only that moderate portion of punishment which, at once, met the infliction of punishment upon the individual and the exigencies of the Company—which mixed as an ingredient in

this consideration to this extent alone, namely, in inducing him to elect that mode of punishment instead of any other. The party who is to inflict the punishment, if there be no prescribed mode according to which that punishment is to be selected, may elect that mode of punishment—the quantum being apportioned according to the rules of justice—may elect that mode which would equally answer both the purposes of justice and example to the country. It would equally answer both, whether this man was dispossessed of a part, or whether he paid a sum of money for the redemption of the whole. 21 FEB. 1792.

At this period of time, Mr. Hastings went up to Oude, for the purpose, as he states, of improving the interest of the Company in its sovereignty. And how that interest could be improved, otherwise than by enforcing the duties of persons subject to the sovereignty, I do not see. The minute states that as one of the objects he was pursuing, namely, the pressing interests of the Company in the condition of that zamindary. Another purpose was to settle the concerns of the Company with the Government of Oude, and settling terms with Mudaji Bosla.

Mr. Hastings' visit to Oude.

Objects of the visit.

It has been stated as contrary to a fundamental rule of the Company, that any member of the Council should depart from the settlement where his presence is immediately required—"We strictly enjoin that all our affairs be transacted in Council, and that all of the Council do reside upon the place." These are orders in the year 1702, and which are produced to your Lordships as militating with the conduct of Mr. Hastings and Mr. Wheler in the month of May or June, 1781, when they delegate Mr. Hastings with a commission up the country, for arranging those affairs, without the assistance of his other coadjutor and joint councillor, Mr. Wheler, who was then left at Calcutta. It is stated to be contrary to the Company's order. Would your Lordships conceive that the order here recited and stated by the Managers was not an existing order? You would not conceive that it was repealed; that it was as dead a letter as any law now about witches? But it is so. It was repealed long ago; but it was formally discontinued in practice for a great number of years before—indeed from the time of our acquiring any interest in the territorial government of the country.

Rule against the absence of a member of the Council.

The regulation repealed.

In the year 1762 or 1763, at the time when the troubles of Cossim Ali Khan broke out, almost all the principal

21 Feb. 1792. members of the Council were dispersed at the different subordinate factories, and they were ordered to be called in to attend the Councils upon that occasion. I mention that only as showing the practice that, in fact, the principal members of the Council were then, under the government, arranged as it was, resident at other places than the Presidency.

In the year 1770, it pleased the Company to make a regulation, in effect reviving the old practice, and declaring that the members of the Council shall not be appointed to those chief chairs of the subordinate factories, but should reside upon the spot. But, two years after, by an order in September, 1772, that former order was rescinded; and the Directors state that they observed it had not been attended with those salutary effects they hoped it would have produced. From that moment, the residence of any member of the Council was not confined or restrained to the Presidency.

Instances of power of the Council given to one of its members.

The practice of the Company was clearly, in a multitude of instances, to appoint on a delegation of this sort the principal member of their Council. In the year 1762, Mr. Vansittart, then Governor, with the assistance of Mr. Hastings, which he desired upon that occasion, was delegated for the purpose of conferring with the Wazir, and forming the treaty of Monghyr, which was afterwards formed. Lord Clive and General Carnac, in the year 1775, went upon the same delegation, authorised in the same manner. In the year 1778, the commission which went up to Suja-ud-Dowla were delegated in the same manner, and with similar powers. Mr. Hastings, in the year 1773, had similar powers, when he made the treaty of Benares. In the year 1776, upon the coast, Lord Pigot was delegated with similar authorities. In the year 1787, since the departure of Mr. Hastings, Lord Cornwallis was delegated to Oude, with similar powers. The Company has in no instance expressed either a doubt of the legitimacy of these powers, or the propriety of confirming the acts done under the authorities communicated at those periods. They are considered as binding acts, from that time to the present hour.

Nay!—what is a stronger, a more pregnant, instance—Lord Cornwallis, in the year 1790, was delegated by the Council of Bengal to the coast, by a minute in Council, in terms—only changing for the difference of places in which his power was exercised—in terms concurring, word for word, letter for letter, with the powers communicated to

Mr. Hastings, in 1781, by an instrument of delegation from himself and Mr. Wheler. And I know full well that an Act has since passed, because of the question being agitated by the proceedings in this Court, confirming that order and that delegation. But I use the argument thus—that, that order being made, shows the opinion of the Government of Bengal of the subsisting practice; and, that it was confirmed, shows the opinion of the Legislature of the propriety of that practice and of the fitness of that delegation.

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Exercise of the power delegated.

Having removed, as I conceive, the objection to the delegation, I will now consider in what manner the powers thus delegated to him were exercised.

The visit to Benares.

I will not trouble your Lordships by detailing at length—which, as far as it may be material and fitting upon this occasion, you will hear more ably presently—all the circumstances that attended the progress to Benares; his interview with Cheyt Sing; the arrest which he properly put him under, for the purpose of notifying to him and to the country that such acts of contumacy would not go unpunished; the open rebellion which followed; the destruction of a considerable number of British subjects, who had composed part of the guard, and the force under Lieutenant Stalker and Lieutenant Scott. I will not take notice of the other circumstances by which open rebellion and defiance was declared against the British power in India.

Necessity for punishing the rebellion.

After these acts, it was no longer a question what part the British Government were to take, or to what extent they were to push the punishment of this rebellious vassal. It would have been inconsistent with every idea of their security in that country for all time to come, if there had existed one unpunished and forgiven instance of such daring rebellion against them, by a person who had drawn them into a situation of considerable peril. It would have destroyed for ever that opinion and that estimation upon which our safety in that country rested. Neither will I detain your Lordships upon the measures which Mr. Hastings afterwards adopted, for the purpose of settling the revenues of that country in a convenient and proper mode of receipt, for the benefit of the Company; varying expedients, which he was obliged at different times to adopt, for that purpose; which, however, ultimately succeeded in giving that country the blessing of a well-regulated government, and—of all others the greatest blessing—which gave them the regular administration of pure and enlightened justice, in the person

Settlement of the country.

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Success of the government of Ali Ibrahim Khan.

of Ali Ibrahim Khan. It is impossible for the most beneficent governor of any country to confer a greater benefit upon the country entrusted with him than to commit the administration of its justice to the most enlightened head and to the cleanest hands. Both these he found in the person of Ali Ibrahim Khan. But who is this Ali Ibrahim Khan? He is the man who, in the testimonials which I could lay before your Lordships, if I did not think it would occupy more of your time than might be conveniently spared upon the subject, is the object of their admiration, affection, veneration and love. The people of India, Brahmans as well as Mussulmans, thank the Governor for having given them that last, best, blessing, a regular administration of justice, by this excellent person. I speak it in the hearing, I dare say, of many persons to whom this incomparable man is known. I believe, from the best information I have been able to collect of his character, that there does not exist in that country—that there does not exist in this—a human being adorned with more heavenly virtues than the Ali Ibrahim Khan whose name I have mentioned. I have never mentioned it yet, without hearing him pronounced upon as the most accomplished and virtuous Mussulman in the known world—a man who, in his single person, proves to us that there are more ways to Heaven than one. Mr. Hastings, if he had done nothing but this—if all the time that he had spent in India had been spent in iniquity and in wickedness—would himself have administered a balm, a salve, to every wound that he had given to the country—at least in that particular part of it—by, at last, placing Ali Ibrahim Khan in that situation in which he could bind up those wounds.

Merit of Mr. Hastings in appointing him.

His character.

From that time to this, has that country been rejoicing in the administration of that blessed man. No praise can be extravagant upon the subject. There is not one man who dissents or entertains a doubt respecting the propriety of the praise I am bestowing upon this man; and yet this man is held out for a scoff and scorn! The first acquaintance the India Company had with him, was in an act of supplication for the lives of British subjects. You will find him, in Mr. Vansittart's Narrative, at the time when that bloody aad ferocious tyrant, Cossim Ali Khan, had seized upon a great number of British subjects, in the act of imploring mercy upon their devoted heads. He did not succeed; but uniformly, from that hour to this, the whole tenor of his life has been a series of acts the most generous

and kind to the British nation that can exist in man. And this is the man who is stated as dishonouring the Company, by being placed in the first seat of justice in that country! I have volumes of expressions of gratitude, by people of every faith in that country, to Mr. Hastings, for the beneficent administration which he had been the means of obtaining for them.

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Meeting of Mr. Hastings with the Wazir at Chunar. Acceptance of 10 lacs. Expended on the service of the Company.

Prior to the ultimate distribution of the affairs of Benares, Mr. Hastings advances to Chunar. There he meets the Wazir, and he takes the ten lacs he offers him, which was absolutely at that moment necessary to saving the sinking dependencies of Bengal. And how is he detected in this act of pernicious corruption? Why, the money is found in the pockets of the poor sepoys, instantly issued in their pay! It is sent, part of it to Muir, part here and part there, to relieve the distresses that were pressing upon the Government of Bengal and the army in their pay. Mr. Larkins tells you that, before the communication which Mr. Hastings had expressly made to him of this present, he had detected it. How? By the incorrupt, virtuous, patriotic, application of it to the service of the public!

High character of Mr. Larkins.

My Lords, as much may be rested upon the communication to Mr. Larkins upon this subject, and it may be questioned whether he was a fit and proper repository of those secrets, which in many instances seem to be confined to him in great measure, I will state who this worthy servant of the public is, and you will judge from the testimonials of him, not during the time of Mr. Hastings being in the chair, but at later periods, whether he is a man likely to collude in a system of fraud.

Letters of the Directors and Lord Cornwallis in his favour.

The first letter I shall trouble your Lordships with is of the 8th of July, 1785, which was a period subsequent to Mr. Hastings quitting the chair,—

"On the whole, the attention showed by the Council in framing these statements [merits our warmest approbation, and we trust he will continue the same exertions in this as in every other matter under his department"].*

On the 21st of August, 1786, which was after Lord Cornwallis had taken the chair, in the general letter from Bengal to the Company, they state,—

"In testimony of the success of your arrangements, for which we hold the Company much indebted to the labour and fidelity of your public

* Extract of Letter from the court of Directors to the Governor General and Council of Calcutta.—Printed in the "Minutes of the Evidence," p. 2145.

21 Feb. 1792. secretaries, and very particularly to the industry and exertions of your Accountant General, we have now the pleasure to inform you that the correct and impartial regulations of your treasury have greatly tended to revive your credit in this settlement."

Then Lord Cornwallis, at a later period—the 16th of November, 1786—writes:—

"The situation of the Accountant General is particularly entitled to your consideration. [You will be fully sensible that to discharge properly the laborious duties of that office peculiar talents, in addition to close application and strict integrity, are indispensably necessary. I am much satisfied with Mr. Larkins, the present Accountant General: from anxiety to promote the public good he applies to his duty without murmur and with unremitting zeal; but if by any circumstance we were to be deprived of his services, I have no hopes that I should be able to prevail upon any gentleman to accept the office on the present salary, who from character, abilities, and understanding in the service, could be considered as properly qualified for it."]

Increase of his salary by the Directors.

In a letter of a subsequent year, the Directors from home upon this representation, I think, more than doubled his salary; for they write—

"We have also resolved that the Accountant General's salary shall be increased from sicca rupees sixteen thousand to sicca rupees thirty-two thousand four hundred a year." *

Communication by Mr. Hastings to Mr. Larkins of the presents received.

I will not trouble your Lordships with more instances of the same sort, all speaking of him as the most valuable, incorrupt and industrious, servant, almost, that the Company had within the Presidency of Bengal. To this person Mr. Hastings communicates his presents at the several periods of their receipt—communicates the occasion of receiving them, the purpose of their application; and in every period of their receipt he makes him the deposit of his confidence, to the full extent that any person watchful to have a witness to his honour in such a transaction could entrust that secret; and, after such trust committed to him, unless that person was of a base and flagitious character, the secret was beyond Mr. Hastings' controul, if he should at a future period divert it from the purposes for which he received it.

Communication made to the Company of the presents received.

My Lords, I have stated the several purposes of application, the period of receipt, and that the whole was so far communicated to the Company by a letter of the 29th of November, 1780, or, at least, that the communication was so far opened at that time, that he had given them an insight into the fund he was acquiring for public utility at that

* This and the preceding extracts are printed in the "Minutes of the Evidence," p. 2146.

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period, which would exclude the possibility of secreting any of these matters from their entire knowledge, if they should be disposed to acquire an entire knowledge upon that subject at any future period.

Intelligence of disaffection of the Begums.

Having received these ten lacs, and having thus applied them whilst at Chunar—for he arrived there sometime in September, the Wazir having arrived on the 11th of September—he, about that period, hears of the disaffection of the Begums. That was communicated to him at the time when he was in treaty with the Wazir, for the purpose of arranging the concerns of his dominions upon a better footing, with a view to the advantage both of the Company and of the Wazir, which stood in need of such arrangement—partly, from his own mismanagement, partly, from the expense which he had wasted upon many improper subjects of his favours, and, partly, owing to the expense which had been occasioned him by the maintaining so large a body of troops as had been, indeed, maintained at different periods necessarily, with a view to regulating his affairs and subduing several rebellious vassals. The troops were burdensome to both him and us, inasmuch as the advances he was enabled to make to these troops did, and must, come immediately from the British treasures. In order to relieve him from this, which was one of the co-operating causes of his distress, Mr. Hastings entered into a treaty; and it was proposed, among other things, that the whole of the British force should be withdrawn, except that brigade which had been originally stationed there, from the time of Suja-ud-Dowla, and a single regiment, I think, to protect the Resident's office. Every other British inhabitant, except those connected with the Resident's office, was to be withdrawn from Oude.

Treaty with the Wazir for settling the affairs of the country.

Withdrawal of British troops.

This treaty, couched in these terms, certainly opened to the Wazir a considerable source of emolument and advantage; but it was the business of Mr. Hastings to see that this advantage should be converted to the benefit of the Company as well as to the benefit of the Wazir, and that this, which would enable him to pay off the debt he then owed to the Company, should be so applied; he, therefore, qualifies the other articles, to which he signifies his pleasure and consent, by the addition of another article, which was to restrain the application of this money and to divide his public from his private expenses, subjecting the fund, in the first place, to the controul of his ministers, for the purpose of this separation, under the inspection of the Resident. Of the fidelity and attention of his ministers, Mr. Hastings was

Controul of the Wazir's public expenses by the Resident.

21 FEB. 1792. well assured, and that they, conjointly, he thought, with the Resident, might protect the Wazir's finances from incurring an arrear with which he had been so long burdened. This was the purpose and the object of the treaty of Chunar.

Acts of hostility promoted by the Begums.

When Mr. Hastings heard of the disaffection of the Begums, he heard that the contagion of rebellion—rebellion not properly and technically so called with respect to the Government of Oude, inasmuch as the inhabitants of that country were not our subjects, and, therefore, could not be guilty of the crime of rebellion, strictly and properly so called—but that acts of hostility had broken out in that country, having an immediate relation and connection with the country of Cheyt Sing. He was then well assured, as the fact was, that those instances of disaffection were well brought home and established by competent evidence as against the persons of the Begums.

Disaffection of the Begum proved by acts of her ministers.

Now I will state what seems to me perfectly conclusive upon the subject of the disaffection of the Begum, and the active share which, through the medium of her ministers, the eunuchs of her palace, she took in the troubles of that period. She certainly—such was her condition, such her rank, and such the habits of women in that part of the world—would not be seen, in the broad eye of day, immediately taking an active part in those hostile measures; but you can only trace her agency through the medium of the ministers and servants she particularly employed, and whom she delegated and trusted in the management of all her concerns. These persons were two eunuchs, of the name of Behar Ali Khan, and Jewar Ali Khan.

Levies in Fyzabad for Cheyt Sing's service.

It was announced to the Begum, at the time when our empire was convulsed, when Cheyt Sing was in the field, in arms and in full strength against us—it was at that moment announced to the Begum by Colonel Hannay, who had recently come into the city of Fyzabad, that there had been hostile levies in that very town of Fyzabad, and that a force of 1,000 men had been despatched from that place but three days before. The name of the person commanding that force was announced to her: she was told they were gone with a man of the name of Sheit Khan. All this is stated in the affidavit of Colonel Hannay, and is confirmed by a contemporary fact, that is, by a letter dated the 8th of September, at the very time when these things were going on, written by him to Mr. Middleton, announcing that there had been these levies made by the eunuchs in the chauk of Fyzabad—in the market-place and public

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streets of Fyzabad; that they had been despatched to Cheyt Sing; and that every man who was capable of bearing arms was applied to by those persons and asked why he did not go and join Cheyt Sing. I will take this as one instance, without troubling your Lordships with more, in the cursory detail I am obliged to make of these transactions at present. When it was notified to the Begum—"These, your agents, whom you entrust with the exercise of your power, are at this moment engaged in an act of hostility against the British nation that protects you; they are levying troops; they sent off a force of 1,000 men, but two or three days ago, to join the standard of Cheyt Sing at Patceta. Seize the family of Sheit Khan. Exert your vengeance and inflict punishment upon the persons guilty of this dangerous confederacy and conspiracy against the British nation:"—when she was so called upon, how did the Begum comport herself? She gave no answer to the complaint—at a time when it was most important that every British subject within the sphere of her influence, either at Fyzabad or in any part of the Wazir's dominions, should give the most complete and positive assurance of his good affection towards the British interest.

Indifference of the Begum to complaints on the subject.

When she is told that those acts of disaffection and hostility are in prosecution by her own servants—when she is told that the adopted child of one of them—a man of the name of Shumshire Khan—had actually at that moment turned his guns upon Captain Gordon, commanding a force belonging to us, and had obliged that detachment to quit him, and reduced him to a situation of great personal hazard and danger—does she deny the facts so charged upon her?—No! she gives them no answer. Now, in such a moment, how would a person well affected to the British interest have comported herself? Would she not have instantly denied the fact as respecting herself? Would she have suffered the interval of a day to elapse between the crimination and the discharging herself, by fair exculpation, of the matter charged upon her? She does neither, but locks herself up in a contemptuous silence.

Attack of her servants on Capt. Gordon.

I know it is insisted that all this is done away by a subsequent act. Upon the suggestion of Colonel Hannay, she was induced to send for Captain Gordon and to have him at Fyzabad. The whole of the correspondence at that period shows he considered himself as addressing a person with hostile disposition, and he is lavish in his compliments upon

Col. Hannay's distrust of her intentions.

21 Feb. 1792. those eunuchs. But, at that moment, his language is more made up of doubt and fear than of confidence, hope and expectation; and [it shows] that he apprehended and believed that the Begum was engaged in hostile purposes against him, though she might not choose, perhaps, to exercise that hostility by so glaring an overt act as the destruction of a British officer then claiming her protection. She knew the consequence that had followed upon so treating a British officer and subject of our empire, in the case of Sumerow and Cossim Ali — that she could hope for no forgiveness, if she carried her malignity and persecution of the British name to that extent. But, short of this—short of any personal, immediate, open, interference—short of making that country the immediate seat of war—she did mix herself in the conspiracy of Cheyt Sing. She sent that force that was found there afterwards; and, though it is described as 1,000 men sent from Lucknow, instead of Fyzabad, it is an easy mistake, the name of one capital for another. It tallies with the description of 1,000 men gone under the banner of Sheit Khan. And even a part of this force is found under the command of Cheyt Sing: some of these najibs wounded in the engagement stated, almost with their dying breath, who sent them, upon what errand they came, and by whom paid.

Troops sent to the assistance of Cheyt Sing from Fyzabad.

After this evidence, I will not travel into the rest, which, altogether, forms a mass of proof which enforces conviction, upon the most obdurate and incredulous mind, that these women were engaged in an hostile purpose against the British interest, at that period. And, if they were, will any body doubt or question that it warranted the subtraction of a guarantee, founded only upon a presumption of continuing amity?

Allowing levies for an enemy a breach of amity.

It has been a subject of discussion, lately, whether the suffering a neighbouring force to make hostile levies or hostile array in our country is not an infraction of amity. Unquestionably it is so, in countries the least connected by the bonds of anything more than ordinary amity, and not connected by positive treaty and alliance. But here, where the Begums had obtained, by a treaty which ought never to have been made, by a guarantee weakly and improvidently entered into on the part of the British nation—when she had obtained by means of this guarantee an immediate possession of the treasures of her son—was it not fitting that the English nation, who were the only intervening *remora*

to prevent the Nawab from seizing upon those treasures—should withdraw that intervention and obstruction, when the amity, which was the only consideration upon which that obstruction was interposed, had ceased to exist, and was converted into active purposes of hostility and defiance? 21 FEB. 1792.

Therefore, if these facts be bottomed in unquestionable veracity—if the Begum's ministers did make these levies in the place of her residence—if they despatched this force and she had full notice of it, at the very instant when she could have punished, or at least could have inquired into it, but does neither—when the persons who acted, dare not have acted in situations of such peril, without not only her implied but her positive authority—will any person doubt that she had a guilty communication in the very acts that her immediate agents were transacting? And, if it be so, the consequence is natural and necessary, that the guarantee being, like all other covenants between nations, in the nature of conditions, one party failing, the other is necessarily released from any obligation to perform it.

Guilty connivance of the Begum.

Justification of withdrawal of the guarantee.

Unquestionably, the Company was released from any obligation further to superintend the performance of that treaty; and, being so released, the Wazir re-entered into his old rights, and our demands for our debt immediately attached upon those rights into which he so re-entered. The only thing that prevented his seizing them had been the intervention of the English; and he had a further reason that warranted his so doing, for the infliction of punishment upon those subjects who had drawn him, if we had been adversely disposed, into a situation of peril with respect to our nation; for any assistance of theirs might have been considered as an act of hostility on the part of the aggregate nation of which he is the sovereign, and might have subjected him immediately to the consequence of all those acts which were done in the first instance by them. That, therefore, released us from any obligation to enforce the guarantee; it released the Wazir from any obligation to grant them the benefit of it, having forfeited it by their misconduct; and, of course, intitled us to exercise our rights for full indemnification out of the treasures of the Wazir. The seizure of the treasure being thus warranted upon every principle of policy between nation and nation, and upon the same principle upon which covenants and contracts can be fairly construed between man and man, we were warranted in seizing the treasure.

Revival of the Wazir's rights on the treasure.

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Resumption of the jagirs.

But there is another subject to which the treaty of Chunar goes, and which stands upon a different foundation—I mean the resumption of the jagirs. And that measure, I conceive, may be fully and effectually protected without referring to that disaffection or hostility which the Begums manifested, somewhat prior to the period when that treaty was framed.

Your Lordships recollect, the date of the treaty of Chunar is the 9th of September; the first notice of the disaffection of the Begums is the 11th of that month; the letter of Colonel Hannay being written on the 8th of September to Mr. Middleton, and Mr. Middleton taking notice, in a letter dated the 16th of October, of his having made communications to this effect to Mr. Hastings, at the time he was at Chunar. You must, therefore, upon the evidence you have before you, assume that Mr. Hastings had notice of their misconduct somewhere about the 11th or 12th of September.

The resumption justified on principles of sovereign right in the Wazir.

But, my Lords, I contend that, independent of this improper conduct of theirs, upon general principles we were warranted in permitting the Wazir to do that which, upon general principles of policy, every sovereign is permitted to do—namely, to make a general regulation affecting the whole of his country; making such reasonable compensation as could be made to the persons immediately affected and interested in that regulation. The Wazir, sensible of the mischiefs to which his country had been exposed by the existence of this sort of *imperium in imperio*—the existence of the military power of his jagirdars—was inclined to resume that power, which is always resumable at pleasure; otherwise, if it were not, the sovereign must have delegated the force of his country to hands that might not be willing to exert it for his benefit. It was, without the exception of a precedent to the contrary, throughout the Mogul empire, a power resumable. He meant to resume them generally; but, inasmuch as the Begums had their jagirs granted by the India Company, [he intended] that they should receive the net amount of their jagir through the Resident. All the other jagirs but the Begums' were granted for a particular sum, and the excess belongs to the grantor, the sovereign of the country: it is seldom received, but, in fact, belongs to him: but, in the case of the Begums, the words of their grant intitle them to the whole produce of the country granted them.

What is this but a new modelling and making a general regulation of the country, for the benefit of the sovereign prince of that country; every individual having secured to

him, by the terms of this treaty, to which the Company were party, every benefit he had enjoyed before—I mean all those for whom the Company were interested? We stipulated, therefore, that the Begums should receive the net amount of their jagirs through the Company's Resident. If they did not, it was some fault in the arrangement of his office. It was the duty of the immediate Resident, but no part of the duty of Mr. Hastings, necessarily and immediately, to see that the contract secured to these women all the benefits they had a right to possess, and restrained the sovereign from making that general regulation which, for the benefit of his country and people, is made to all others, giving just compensation to the party injured by it.

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The annual value of their jagirs guaranteed to the Begums.

In every bill of inclosure, the principle is, that the state shall new modify the property of individuals, where the property is, in the mode of its enjoyment, injurious to the state, and compensation can be conveniently made. When the treaty of Chunar was signed, was Mr. Hastings warranted to introduce or consent to the introduction in that treaty of what is contained in it respecting these jagirs? I am aware that, afterwards, in writing upon the subject of the resumption, he mixes a knowledge of that which he had recently acquired with that measure and the policy of it, as he had originally considered it, without any violation of duty on the part of the Begums. But it wants the aid of no other foundation to sustain it, than that Mr. Hastings was warranted in permitting the sovereign of the country to do that which every sovereign, in every country, takes the liberty of doing, for the general benefit and weal of the country at large—I mean to make a new modification of property, giving compensation.

In the course of Mr. Hastings' journey up the country, he received other presents, which are the subjects of charge —received equally for the public service and equally applied to it—I mean the presents from Kelleram, Cullian Sing and Nundulol, which were immediately, as well as that from the Wazir, thrown into the public coffer. That from the Wazir was immediately transmitted to the paymaster and paid to the troops. These from Kelleram, Cullian Sing and Nundulol, were immediately paid, under the head of durbar charges, into the public exchequer, and could not be drawn out by Mr. Hastings, for any corrupt purpose of his own, or any purpose, without a notification, in a considerable degree, of the immediate purpose for which those sums were meant to

Presents received from Kelleram, Cullian Sing, and Nundulol.

Paid into the treasury.

21 Feb. 1792. be applied. Therefore the moment that money was paid in, on the account, and under the head, of durbar charges, it became out of his reach and controul to any considerable extent. Credit might have been given for driblets and small sums, but to take out these presents specifically and apply them to his own use had become impossible after paying them in.

Pretended cruelties to the women in the Khurd Mahal.

My Lords, I will, respecting the Begums, pursue only one topic more, which is, the supposed cruelty with which our name and nation is considered to be calumniated by the sufferings of the women in the Khurd Mahal. My Lords, that is disproved beyond all possible contradiction; disproved in such a way that it cannot be set up again, I trust, as a tale, at all to affect the character of any human being connected with the British Government or acting under its authority, after what you have heard from Major Gilpin. And I pray your Lordships to recollect what that is. I will admit, for the sake of argument, at present, that, though no authority was given to Mr. Middleton to conclude the treaty with the elder Begum, by which a maintenance was to be secured to the concubines and children of Suja-ud-Dowla in the Khurd Mahal, yet, that knowing of it afterwards, in virtue of the general authority given Mr. Middleton, and not expressly notifying to these women that that treaty was of no obligatory force—I will admit they were bound by it. But to what effect? It only stipulates that sufficient jaidads, that is, sufficient provision, shall be furnished by the Nawab to these women. That is, the Government contracts with the elder Begum, that such sum as she shall think adequate to their maintenance shall be assigned to the Nawab for that purpose. To that extent, at the furthest, the treaty can be pressed.

Treaty with the elder Begum for the provision of the family of Suja-ud-Dowla.

Sufficiency of the sum allowed.

Now, has it ever been said that the sum assigned for that purpose was not sufficient? Did the Begums suggest that 40,000 rupees a year, with which the district of Sultanpoor was charged, for that purpose, payable by the faujdar of that district, and to be immediately applied to that service—that that sum was not sufficient; or that, by any act of the English nation, that sum was ever intercepted in its course to these women? No such thing! But the mere unauthorised act or inexcusable negligence of Lataffil Ali Khan, in not enforcing the payment of this sum or not applying it to the maintenance of these women, had, at the time Major Gilpin was there, induced great distress in the Khurd

Negligence in enforcing the payment of it.

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Assistance afforded by Major Gilpin.

Mahal. What does Major Gilpin? He did that which, as a British officer, it highly became him to do: he saw they were in a situation of distress from which he could relieve them by the application of some funds within his controul, and he immediately issues 10,000 rupees for that purpose. He afterwards applies to the Wazir, and is repaid this money —repaid, however, with some reproof for his interference in the matter, which the Wazir considered as an encroachment upon his rights, and an interference in a matter which was purely domestic and personal to himself. However, all the connection we had with it was, to relieve these people from distress and to remedy the faults of others. And now, as a complete, satisfactory, conclusive, testimony upon this subject, I will read that which Major Gilpin says—whose name deserves implicit credit with every person who has heard his testimony or knows that any testimony by him has been given. I will read it—and here close, as far as respects this subject, my exculpation of every person connected with the British name from any share in having procured, or contributed to, any part of the distresses these women experienced at this time.

Major Gilpin's evidence.

Major Gilpin is asked, whether the seizure of the Begums' treasures or their jagirs could in any respect contribute to the distresses that were experienced by the Khurd Mahal. His answer is,—

"'I do not see that it could, in any respect.' 'Do you know whether any measure in which the English were at all concerned could produce, or in any degree contribute to those distresses?' 'I do not think that the interference of the English could have affected the establishment of the Khurd Mahal in any respect.'" *

Sufficiency of the evidence in exculpating the British officers.

My Lords, I will not trouble you on this head further. The testimony of this gallant and honourable officer, himself an eyewitness of the distresses, himself knowing how they were occasioned, and endeavouring to obviate and having obviated these distresses, will countervail a crowd of testimony on the other side, if there were any. But there is not a particle of evidence on the other side to put into the opposite scale; there is not any evidence which does or can impute to the English any interference in these distresses, or with being, mediately or immediately, the cause of their existence or continuance.

* Cross-examination of Major Gilpin, 28th May, 1788.—Printed in the "Minutes of the Evidence," p. 887.

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I will not trouble your Lordships with the other topics of the treaty of Chunar: two of them, indeed, the honourable Managers have waived, those which respect to Fyzula Khan and Mussuffer Jung. As to the other part of the treaty, which respects the private convenience and public accommodation of the Wazir in his government, by relieving him from a load of expense, by removing our forces and the British gentlemen that had been there—the harsh manner in which the execution of that treaty was endeavoured, at a later period, to be obtruded upon the Wazir, by another Resident, prevented its having ultimately that complete effect towards relieving the distresses of the Wazir which was afterwards given by the immediate hand of Mr. Hastings, when, in the year 1784, he himself made a journey to Lucknow, for the purpose of placing the affairs of the Wazir in a complete situation of adjustment, so as to preclude the possible existence of any future arrears accruing in respect to the Company, or such distresses in respect to his own government as had accrued, in spite of all the care which had been taken to place him in that situation of security and comfort in which he was afterwards placed, in the year 1784, by the immediate management of Mr. Hastings, and in which, I trust, he continues to this hour.

Relief of the Wazir from the expense of the British troops.

Immediately after the troubles of Benares, and notwithstanding all the difficulty and embarrassment that they introduced into our affairs, Mr. Hastings was enabled to effect that treaty with Madaji Scindia which produced, at no very remote period, the consequences to which I have alluded already. He agrees to abandon both the Peshwa and all other alliances adverse to the British nation, and engages to procure, as far as he is able to procure it, a peace with the Mahratta nation. This was on the 13th of October, 1781; and it has pleased the honourable Manager to state, in express and pointed terms, that, from the period of concluding this treaty, on the 13th of October, 1781, there ceased to be any considerable exigency in the public affairs—nothing, of course, he would insinuate, that should require the acceptance of money, tendered from any quarter or in any form that should be looked upon as irregular; that there existed no exigency that should require extraordinary supplies, from that period to the close of Mr. Hastings' administration. How the honourable Manager should have thought himself warranted to launch so hazardous a proposition, upon the head of which so many thousand con-

Treaty with Madaji Scindia.

Assertion that no public exigency existed after the conclusion of the treaty.

tradictions and refutations may be heaped, I am perfectly at a loss to conceive. For the resources of the Company were exhausted to a great degree before. They proceeded with accumulating distress from that period. The number of our enemies might be somewhat diminished by having the force under Colonel Camac, immediately destined to attack Madaji Seindia, taken off, but our army in the west, upon the coast, was obliged still to make head against the Mahrattas, to maintain our conquest in [that quarter], in order to give full effect to the treaty with Madaji Scindia, and to compel the Mahrattas to come immediately to those honourable terms of peace which we, afterwards, had with that nation.

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Exhaustion caused by war with the Mahrattas.

At that period, does the honourable Manager forget that Hyder Ali had been furnished with the assistance of the French — that about 3,000 troops had been landed in February, 1782, upon the coast of Coromandel, joining with him in the attack of Cuddalore, which, presently, fell before that force? Does he forget the attack of the army under Colonel Braithwaite? Does he forget all the calamities which followed after the Mahratta peace had taken place, when General Matthews occasioned a diversion of the force of Hyder Ali from the Carnatic, and brought it down, partly from his negligence and improvidence—perhaps avarice, among the rest—brought down the accumulated force of Hyder Ali? Does he forget the number of armies that sprouted up after that—a sort of iron harvest in the west—all sustained, if not immediately from Bengal, through the medium of Bombay—itself fostered, cherished, maintained and protected, by the outstretched and maintaining arm of Bengal?

War with Hyder Ali.

Good God! it is a proposition so hazardous, that I cannot conceive how the honourable gentleman should have ventured to make it; unless he reckoned, from our supineness and negligence, that we should not venture to contradict it. But we are warranted, by the most correct acquaintance with the facts at that time, to give it an answer. The figures of arithmetic are the best refutation to give a charge of that sort. Year after year, krors upon krors were heaped upon our debt. Mr. Macpherson, in a letter dated the 13th of March, 1783, states that the Government had, in the period between the 30th of September—but thirteen days before the conclusion of this treaty, of the 13th of October, with Madaji Scindia—supplied to the exigencies of Madras and Bombay, no less than above two millions and odd hundred thousand

Increase of the debt.

21 FEB. 1792. pounds — supplied them between September, 1781, and March, 1783. How, therefore, can they pretend to say that no exigencies existed? Why, we had more armies than ever against us in the field!

The forces that had been supplied from England—for there did arrive a little supply of force from England—added to our pecuniary difficulties, inasmuch as they did not bring any pecuniary assistance with them: therefore difficulty upon difficulty was accumulated at this period. So far from there being any cessation of difficulty, or reason existing for the non-exertion of effective and vigorous measures, at this period, all these difficulties were further increased by that last and severest scourge of the human race—famine. A dreadful famine, in 1783, broke out in the provinces; and, upon that occasion, you have again to thank the vigorous exertion and protecting spirit of this gentleman. He immediately instituted a grain committee. Every vessel that was departing from the port of Calcutta laden with corn was unloaded. They had no law to warrant them so to do, but they exercised a fair, sound, discretion; trusting that they should find their indemnity in the breasts of any court of justice where that matter might be inquired into, if, as sovereigns, they were not authorised to exercise that authority. Every vessel was unloaded and [the freight] brought to one common mass. At the same time, the proprietors had a large and ample allowance made them for the corn—an average value—an average price put upon it, so that everybody might have access to the markets. And yet those other countries that were looking for supply at the Bengal market were not disappointed, for Mr. Hastings directed that the ships might proceed to Pegu and other places to get that supply. Thus he relieved Bengal, without inflicting any severe inconvenience upon any other country that looked to him for relief. And, if your Lordships could see the correspondence that I have seen of this gentleman at the moment—if your Lordships could read, as I have had the happiness of reading, the letters of Mr. Hastings at that period—if you could read the tender workings of compassion and humanity—if you could develope all the tender feelings of his heart at that moment, as I have had the honour to do—I am sure the honourable Managers would repent of all the harsh terms in which they have, I will not say reviled him, but in which they have described him as a man wanting the sentiments of humanity and compassion.

Additional exhaustion from famine.

Measures taken by Mr. Hastings to provide against it.

So may it fare with him, at a future day, as he has been mindful of the feelings of humanity and justice with respect to every being with whom he has been connected, upon this occasion! I appeal to the thanks of a grateful and protected land. 21 Feb. 1792.

My Lords, I will now advert shortly to two other topics, falling in no regular place, before I come to a conclusion—they may be I think introduced here — I mean, the two contracts with respect to which Mr. Hastings has been particularly criminated. I will not detain your Lordships for a moment upon Mr. Belli's agency, because one word puts all the imputation upon that subject out of doors. Mr. Belli was an agent for supplying Fort William with provisions. His agency was approved by this single fact, that, when the provisions which he had laid in by agency for the Company were sold out again, so provident had he been in the execution of that trust, that they sold, for the benefit of the Company, for near twice the sum he had charged for them. So much for Mr. Belli's contract!

Mr. Belli's agency.

In respect to the bullock contract, some part of the blame that has been thrown upon that is in respect to the inordinate number of bullocks employed; and it has been treated as a matter perfectly ludicrous to suppose that 6,700 bullocks should be at all wanting for all the combined force of Bengal put together;—for it is for all the armies of Bengal that, in the year 1779, these were provided.

The bullock contract.

Number of bullocks to be provided.

Mr. Francis says,—

"In truth, I might with great reason ask, what occasion have we for an establishment of bullocks anywhere?"

Mr. Francis' estimate of number required.

He is afterwards extremely shocked with the number of the drivers to be employed for the care of these animals. He says,—

"The number of bullock drivers proposed appears to be highly detrimental to the good of the service. It would not be credited in Europe that twelve bullocks should require seven keepers."

He then delivers in an estimate of the total draught and carriage bullocks which were necessary to be employed for the whole army, supposing it to be in motion and on actual service; and the whole estimate he allows for all the armies is—draught bullocks 2,586, and carriage bullocks 1,345; total for both services 3,931.

Now, there may be a very great difference in the strength and usefulness of the bullock employed upon the coast of Coromandel compared with the same animal in Bengal, yet,

Comparison with num-

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ber provided for Lord Cornwallis's army.

when we look at the army under Lord Cornwallis, where, no doubt, the most provident care has been used, we see that a supply, in aid of a deficiency recently occasioned, amounted, of draught and carriage bullocks together, to no less a number than 26,000 bullocks. Now, making every difference for the disparity of the animal, it shows that, when the army was in motion, as Mr. Francis supposes the army to be, such a trifling number as 3,900 would have been by no means adequate to their supply. As to the drivers to be employed, Lord Cornwallis desires that no pains may be spared to engage the greatest possible number of drivers. Mr. Francis thinks it perfectly ludicrous that there should be one driver to two pairs of these animals. Lord Cornwallis recommends the addition of as large a number as possible, as without that the service must fail. As to the immediate terms of the contract in other respects, these seem the principal objections of Mr. Francis. As to the expediency of the contract and the fairness of the terms, considering the state in which that animal is to be kept for the service of the Company, we shall discuss them more particularly when that becomes the immediate subject of consideration.

Opium contract.

The next is the opium contract: and this is the last upon which I shall trouble your Lordships. That contract was respecting a commodity originally acquired by Mr. Hastings for the Company, in the year 1773; and, although the whole profit that has, at any period, been derived to the Company by this article is attributable to him, yet I will not contend that, on that account, Mr. Hastings is warranted in any looser management of that concern than of any other not so immediately acquired by him for the Company. But in what way and how is this contract the subject of blame? It was, first of all, acquired for the Company in 1773.

Opium not included in the order for public sale of contract.

The first time that it was granted as a contract was in 1775, to Mr. Griffiths. The Company's order, which is stated to be requiring it to be advertised and to be put up to sale, did not comprehend it at that time, inasmuch as that order is dated in March, 1774, and the opium had been acquired by Mr. Hastings for the Company in November, 1773. Therefore, it is impossible that the Company could have notice of the article at the time they made that order, so as to mean to include it within that order, as to the terms of putting up contracts. But, supposing it to be within the genuine meaning and scope of that order, it was advertised in 1775. Mr. Griffiths was the lowest of thirteen bidders,

Contract given to the

and his proposals were accepted, as the lowest. Mr. Griffiths offered to supply the Company with this article at 190 rupees a chest. This was considerably less than the sum which the Patna Council gave, who, being resident upon the spot, were likely to have had considerable means of acquaintance with the article, and, with that sort of attention that every person has to his own interest, were likely to have bought it as cheap as they could. It is in evidence by Mr. Young, that they had given for this very article between two and three hundred rupees a chest.

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Griffiths lowest bidder in 1775.

This contract having been reduced so low as 190 rupees a chest, by a person accepted as the lowest of thirteen bidders, the persons in charge of the government conceived they had pretty nearly ascertained its value; and, therefore, after the expiration of the contract with Mr. Griffiths, which was prolonged for one year more, upon some representation of his, they, in the year 1777, granted it to Mr. Mackenzie at the same rate; only having a premium of 10,000 rupees a year, in order to induce them to grant a contract to him for three years. His contract was better to the Company by the amount of 10,000 rupees a year. At the expiration of the previous contract—Mr. Francis and General Clavering being then members of the Council—upon their proposition, this contract is granted to Mr. Mackenzie for three years, upon the same terms as to Griffiths, with the allowance of 10,000 rupees a year. Mr. Hastings had no wish about it; he adopted the terms, thinking them reasonable and fair. The Company, hearing of this being granted, and that it had been granted without fresh proposals, and assuming that no inquiry had been made respecting its value, blame that contract. That contract expires in 1780, Mr. Francis and Mr. Hastings being then at the Board. If there is any blame imputable to the grant of this contract to any particular favoured individual, it would be in that grant which followed almost immediately after the orders contained in the letter of the 23d of December, 1778, in which the Company had intimated their displeasure at the grant of the contract to Mr. Mackenzie. That letter arrived before the second grant of the contract to Mr. Mackenzie, for the enlarged term of one year. If there is any blame, it is in that grant, made so recently after the reprehension of the court of Directors; yet Mr. Francis concurs in it—or, more properly speaking, he moves it, for it is to the object of his nomination hat this contract is

Improved terms of contract in 1777.

Regrant of contract to Mr. Mackenzie, on Mr. Francis and Gen. Clavering's proposal.

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granted. Now, my wonder is, that this should have been omitted as a subject of charge—that, when the honourable Managers were selecting an instance to which they should attach blame, they should omit—by a miracle it must be —that it had been granted to the protégé of Mr. Francis in 1780. To jump over that, and to attach blame in granting it, in the year 1781, by Mr. Hastings to Mr. Sullivan, is singular. These things do happen to the best informed, and most enlightened and liberal, minds, but it is singular; for, in 1781, the terms of the contract with Mr. Sullivan are the same, yet the situation of the country was not the same, and, therefore, taking all circumstances together, the contract to Mr. Sullivan was to a certain degree worse, inasmuch as the country was exposed to a certain degree of greater peril, at that moment, than it was in the quiet time when the contract had been made with Mr. Mackenzie.

Grant of contract to Mr. Sullivan, in 1781.

Hazardous nature of the opium contract.

Your Lordships will recollect that Mr. Young has stated that, during the Benares troubles, greatly as he deemed the value of this contract, having made the subject of opium his study from his arrival in India—having devised a plan by which he might convert it to more benefit than in the hands of any other person—yet even this gentleman, possessing all this knowledge upon the subject, and, therefore, being more likely to turn it to a lucrative account, would have been glad to have got rid of it at one period of our troubles —in 1781; and so subject to risk it is, that Mr. Benn has stated that, in one night, upon a small part, he computed a loss of no less than 1,000*l.* The capital for carrying on this business is stated to amount to no less a sum than [140,000*l.*]*

Mr. Hastings having, by such a sort of advertisement as he stated, ascertained, as he thought, its value, and having, by no inquiry that he had made in the country where almost all intelligence circulates from one British subject to another, having no reason to think it would yield extraordinary profit to any person, grants it to Mr. Sullivan, upon the same terms that he had granted it to Mr. Mackenzie, upon the recommendation of Mr. Francis, the year before.

Exportation of the opium to China.

The manner in which this article was disposed of [is made a ground of charge against Mr. Hastings], although Mr. Hastings was not at Calcutta at the time this contract was made, and though it was purely upon the sug-

* See examination of Mr. Benn, in the "Minutes of the Evidence," p. 1319.

gestion of Mr. Wheler; yet he suggested it rightly and for the benefit of the Company. The sending opium to China was a measure suggested so long ago as 1773, by the Patna Council itself, conceiving it an article that would have, as unquestionably it has, a better vent in that country than anywhere. But Mr. Hastings is blamed on account of the consequential loss that happened there, as if he was to be made, here at your bar, to stand insurer against the accidents of war, the calamities of seizure, and any other accident that may happen. Three hundred chests were sold, at prodigious profit upon them; and, if the vessel had not been captured—and it is too much to conceive Mr. Hastings is liable for that act of capture—if the whole had been sold with the same proportionate degree of profit which the three hundred chests produced, it would have been a most beneficial concern to the Company.

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Loss from capture of a vessel.

Then, as to the cargo of the Nonsuch, it is stated that Mr. Hastings sent it to a losing market; that, actually, even in China, it sold but for 210 rupees a chest, which would by no means pay the expenses of freight, by no means pay the advance of money and other contingent charges. If that commodity had, as the supercargoes say, arrived in due time—for the blame is divided between the supercargo, on the one hand, and the captain on the other—it would have sold for the average price of 340 rupees a chest. If, arriving as it did, it had been sold by the supercargo with the same diligent attention to the interests of the Company as he paid to his own interest, when he sold his own, it would have produced to them, as it did to him, 340 rupees a chest. So that, take either the supercargo's account or the account of the captain, if there had not been negligence in either one or the other, it would have arrived to a beneficial market for the Company.

Loss on sale from negligence of the supercargo.

The last objection to this contract is, that it is a contraband traffic. I do not know that any nations very much consider whether they are guilty of an infraction of the fiscal laws of any other country, in running commodities subject to the penalties of confiscation by that country. I speak subject to correction, but I do not know that it ever was matter of much complaint between France and us, that they run their brandy into this country, or we our woollen cloths into that. Each is subject to the penalty of confiscation if caught; and, further than enforcing the general laws of the country, I believe no state interferes in that

Objection to the traffic as contraband.

21 Feb. 1792. matter. But what is the remedy devised for us? It is not the forfeiting the thing. We are blamed for doing that which is, after a mean subterfuge, the same thing, and which is suggested from home under even a respectable sanction. Why, if you could get an island to the eastward where it might be deposited, so that it might find its way to China, then it would save us the exportation of our specie, through the medium of which the China trade is carried on, unless we can send a commodity convertible into specie in that country. "Suppose"—say they—"you sell it to the Dutch, and let them smuggle it or leave it in an island in the westward, where the China merchants can come and fetch it." If a thing is to be done, whether it is done *per obliquum*, or directly, seems no difference. As to the disgrace attending the transaction, indeed I think the disgrace much more in the subterfuge than in the direct act. I will mention but two more topics, which I will bring into the smallest compass that I can.

Advantages of the Mahratta peace.

The Mahratta peace, in the month of May, 1782, that peace from which we did then, and from which we at this moment derive so much essential advantage, was [made] under all the difficulties which arose from the circumstance of Hyder Ali's recent successes, he being flushed with the assistance of France, then given him, by landing that large reinforcement of troops I have mentioned. Under all these disadvantages, Madaji Scindia having been separated from the rest of the Mahratta power on one side, Mudaji Bosla on the other, and having suffered so sorely by the operations of Goddard in the Guzerat, the Mahrattas were induced to sue for peace. They gave us Salsette, and all those dependent islands which had been the object of our wishes so long. They gave us, to prevent all future contention, an exclusive commercial alliance with themselves, saving only an indulgence for some inconsiderable Portuguese factories, which, having subsisted there so long, and being perfectly innocent with respect to us, we scrupled not to allow them; and they stipulated that Hyder Ali should be made—for these are the words of the treaty—to make peace with us immediately, and to restore our prisoners. That peace, which was the object of Mr. Hastings' measures so long, and so well, at last, concluded, securing to us the great advantages for which we had been struggling, and ultimately producing in its consequence a peace with all the other powers of India, is a subject which, at this moment, beyond

any other, supplies Lord Cornwallis, if not with active assistance, at least with all those supplies which give energy to the troops under his command. 21 Feb. 1792.

Mr. Hastings, having brought the measures of his administration nearly to a close, towards the beginning of the year 1784, found himself at leisure from the other great concerns of the empire that pressed upon him to pursue with devoted attention the only subject that remained yet to be adjusted—I mean, the formal adjustment of the embarrassed affairs of the government of Oude. He besought his colleagues to intrust to him that commission. He had an invitation from the Wazir, desiring him to lend him his assistance in this business of the final adjustment and settlement of his intricate and difficult concerns. The Wazir, galled as he had been by some recent interference in the domestic management of his family by Mr. Bristow, was ready to offer every security that could be required for the punctual payment of the subsidy, which could alone warrant, after his declared repugnance to it, the continuance of the Resident in that country. How the Wazir felt upon this occasion, how he was goaded by the language used by Mr. Bristow—to whom I do not mean to impute blame, any further than is necessary to explain the measure Mr. Hastings adopted, at this period, of the removal of all Residents whatever—appears from the evidence.

Settlement of embarassed affairs of Oude.

Resentment by the Wazir of treatment from Mr. Bristow.

Mr. Hastings addressed himself to this prince through the medium of the Resident, [who used] language which certainly should not be held to any prince who claims the appearance or show of kingly power. He asks him why he continued [to keep so many elephants and horses? Why were such quantities of provisions dressed in his kitchen?] This was not quite consistent with the directions of Mr. Hastings, who had ordered him to show him every mark of respect. What the Wazir felt upon this occasion his own strong and feeling language will express, as conveyed by his minister to Mr. Bristow:—

Mr. Bristow's language not consistent with Mr. Hastings' instructions.

"These appointments," he said, "would reflect disgrace and contempt upon his Highness, since it would become apparent that the Vizier possessed no power over his household [establishments, domestics, and beasts of carriage and burden; to ask him why he thus persecuted and distressed him,—adding, 'The little which falls to my lot even that] he will not allow me to eat in peace and quietness.' This declaration is accompanied with tears of anguish." *

The Wazir's remonstrances.

* Extract from letter of Hyder Beg Khan to Mr. Hastings, received 28th March, 1783.—Printed in the "Minutes of the Evidence," p. 328.

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Mr Hastings' visit to Oude, to obtain security for the payment of the subsidy.

Upon the request of the Wazir, Mr. Hastings, knowing the commanding authority and influence he would have with that prince and the ministers of his government, addressed himself to this business; and, having secured from him, and [been] promised he should have the security of a banker for, the punctual payment of the debt to the Company, then amounting to seventy-three lacs, increased too by the addition of nineteen lacs of omitted items, recently discovered by Mr. Larkins in the public account with him, Mr. Hastings set out to obtain a security which would be well rendered and kept at the appointed instalments and times of payment, not only for that sum, but for the accruing subsidy, up to September of the following year, 1785. When he arrived there, the country had been visited by famine for three successive years; yet he obtained the most unquestionable security for the payment of 103 lacs, that is, of 1,030,000*l.*; seventy-three lacs being the debt already accrued, and the remainder a debt accruing in the following year, at a time when, your Lordships recollect, it was pronounced by him, who is supposed to have good information upon the subject, that there was no possibility that a single rupee of this debt of the Wazir would ever find its way into the public exchequer. However, this security was obtained, and it was realised. Even in the month of August, in that year, the debt was reduced to 38 lacs of rupees; the rest was paid, in the appointed instalments, in the course of the ensuing year.

Success of his arrangements.

Details of the arrangement left to the Wazir.

Mr. Hastings did not interfere in the inferior detail of these arrangements; he contented himself with suggesting only the general outline and plan to the Wazir; he kept himself aloof from the more immediate detail, though he gave the Wazir and his ministers a present test of their own independence; and, to confirm them in that independence, Mr. Hastings did, as he ever had done with every country power with whom he was mediately or immediately connected, treat the Wazir with a respect to which he had not been accustomed from the Resident, Mr. Hastings holding out every assurance of the complete favour and approbation of the Company. At last, after the concerns of the Wazir had been brought into this state of adjustment and order—after he had held out to the amils of the country an assurance that the engagements the Wazir was forming with them for a period of five years should be faithfully kept without any interference on the part of the British Government to disturb them—at last, having consummated this

Respectful treatment of the Wazir.

work, he left the Wazir, who accompanied him several stages of his journey, reluctantly parting with him; he, at last, left that country which was to be the source of sixteen out of twenty charges, accompanied and pursued by its unavailing blessings and its ineffectual prayers. 21 Feb. 1792.

He accompanied the measures by an assurance that that faith, which he pledged in his own person for the security and faithful exercise of every function of government in his own country, should be faithfully observed by his successors. That pledge his successors have enabled him to keep—and, more especially, that exalted person now in the charge of the British affairs in that country, who has made no other alteration in the plan laid down by Mr. Hastings, but in such respects as he himself states [were made], in order to carry the principles of that reform and adjustment into more full effect. And such has been the good understanding of the prince of that country and every person under his government, that the minister has, I understand, voluntarily supplied Lord Cornwallis with a loan of twenty-two lacs, without any interest.

Mr. Hastings' settlement maintained by succeeding Governments.

At this period, he achieved the only thing remaining to be done to restore harmony throughout the dominions of the Wazir—he suggested a perfect reconciliation between the Wazir and his mother; he advised him to go and, for the sake of peace at least, to make the Begums a voluntary tender of their jagirs. Their minds were predisposed to make a proper use of that generous offer; they voluntarily sacrificed a large portion of these jagirs to the immediate distresses of the Wazir. The minister, under the same idea of patriotism, voluntarily sacrificed seven lacs a year, out of ten lacs—perquisites and emoluments; together constituting a fund towards relieving the Wazir out of his distressed situation.

Reconciliation of the Wazir and Begum.

My Lords, I have now conducted the promised detail and explanation of the principal events and measures of the Defendant's long and arduous government to that period when, after satisfying to the most enlarged extent every demand of the public service, he thought himself, for the first time, at liberty to meditate a retirement from that active situation of public duty which he was now able to quit without a crime—a thought which he had not permitted himself to entertain so long as there existed, in act or menace, one enemy of the British name throughout the whole continent of India.

Retirement of Mr. Hastings from office.

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Enumeration of successful acts of his government.

After conflicting with all the difficulties and dangers of a long and complicated war with many European and many Indian enemies, during a period of six years, embracing the whole interval between the 7th of July, 1778, when the news of a French war was announced in India, and the 11th of March, 1784, when, by the peace of Mangalore, the scene of hostile tumult was closed—when, after all these wars had been conducted to the term of an honourable and glorious peace, without the loss or sacrifice of one foot of the territory which we possessed at the commencement of them—when the late enemies of our power, soothed by acts of confidence and kindness, had become the bulwarks of our greatness—when the rival power of France had been so far reduced as to be virtually annihilated and extinguished in every part of India—when the Nizam, soothed by a just attention to his rights, had been weaned from every disposition adverse to our interests and from every suspicion of intended encroachment on his own—when Madaji Scindia, worsted by our arms, but more subdued by our generosity, had reaped, as a boon for his liberal attention to the British nation in the affair of Woregaum, the cession of the valuable territory and fortress of Broach, and had thus been taught, by reward as well as punishment, that the British nation could not be outdone in deeds either of amity or arms—when, in the course of those wars, we had added to the lustre of our arms an exploit which the hardiest soldier, even Sir Eyre Coote himself, had deemed visionary and impracticable, I mean the capture of the impregnable and unconquerable fortress of Gwalior; an attempt which, under the auspices of this gentleman, was directed to be made, and which the incomparable gallantry and military skill of Colonel Popham, aided by the endeavours and exertions of Colonel Bruce, achieved and carried into effect—when the Poona Mahrattas had yielded us, at once, the palm of victory by the cession of Salsette and the other dependent islands, and the pledge of our security against all future wars with them, by an exclusive commercial alliance with the British nation—when our finances, exhausted as they had been by the unparalleled drains of so many wars, were yet so far repaired, by the provident adjustment of our demands on the Government of Oude, as to leave a comparatively insignificant debt, of somewhat less than three millions and a half sterling, due from the Government of Bengal, capable of an easy liquidation in

the course of two years by the surplus revenues of that Government—when the funds which he had acquired for the Company in the course of his administration in the beginning of it, I mean those of salt and opium, not to mention either the civil or the military savings, or the subsidy from Oude, were sufficient to have relieved the Company, as far as [concerned] the Government of Bengal at least, from the load contracted in the course of these wars—when, by inflexible perseverance against every species of contradiction, both at home and abroad, in despite of ourselves, our predictions, our counsels and our efforts, he had once more achieved the salvation of the British interests in India—in this fortunate crisis of our public concerns, he turned his thoughts towards his native land, and, with the honest pride of conscious virtue, anticipated the thankfulness of a benefited and a grateful country. The gratitude of the British inhabitants of that country which he had so long adorned and cherished with the arts of peace, and had preserved unhurt amidst the surrounding ravages of famine and of war, he had the comfort to experience, whilst the vessel which was to bear him to Europe yet lingered on the shores of Hindustan.

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Gratitude from British inhabitants of India.

My Lords, I do not present to your Lordships the suspected praises of dependent multitudes, offered to greatness in the zenith of its power. No, my Lords, that body which saluted him with the earliest marks of its affection and respect waited till he had divested himself of all place and station amongst them, till he had laid down the robe of honour, and until, as a private individual, he had ascended the side of that vessel which was to bear him to Europe. My Lords, the army of Bengal paused with still more respectful and judicious delay; they waited till he had wholly vanished from their sight, before they prepared for him that rich banquet of praise, honour and gratulation, which was destined to feast his honourable appetite of well earned fame, upon his arrival on the shore of Britain.

Expressions of affection delayed till the moment of his departure.

My Lords, I, last of all, present you with that praise which shall embalm his memory when he shall be no more, and, whilst he lives, shall enable him to look down with indifference and with scorn upon the most malignant efforts of his bitterest enemies. My Lords, the people of India in this respect well adopted the practice of the ancients, in delaying their sacrifices to heroes till after sunset; they waited, not only till the beams which had warmed and cherished them were withdrawn, but till the [sun] had well nigh set in the

Expressions of the natives in favour of Mr. Hastings, after knowledge of his prosecution.

21 Feb. 1792. dark clouds of disastrous night; they waited till it was told, to the grief and astonishment of that distant land, that the beneficent author of so much good to them was arraigned by his countrymen as the cause of their oppression, vexation, degradation and disgrace. Roused by these sad tidings, the rude but grateful beings who had been called by Mr. Hastings from the hills and forests of Rajamundry to abandon the [habits] of savages and to taste the comforts of civilised life—the pilgrim who had been protected in his annual visits to the hallowed shrine where his forefathers had worshipped —the princes who had been raised up and protected by his power—the humble citizen to whom he had communicated the invaluable blessings of a regular administration of impartial and enlightened justice—each, as he was severally blessed, invoked the sacred object of his faith and fear, in solemn attestation of his thankfulness for that beneficent administration which, under the providence of our common Father, had been the appointed means of [conferring] so many blessings on him.

Appeal to general integrity of his government.

My Lords, the man who has earned and deserved these multiplied praises and blessings must not be degraded in the manner of his defence. In his reverence for you, he feels that some respect is due to himself. He offers, therefore, to your Lordships, with the humility which becomes a man conscious of the many failings and imperfections of man, but with the firmness which a heart conscious of no base and unworthy motive sustains and warrants, a whole life spent in your public service, and claims at your hands no other allowance for error than that which the best of us may at some season have occasion to implore. He trusts that, in a fair review of that life—and no other he is assured your Lordships will form—you will find his conduct uniformly governed by an ardent passion for his country's service, uniformly directed to the accomplishment of its best interests and truest honour, and, under the blessing of God, ultimately attaining those great and desirable ends; and that, so finding, you will not weigh in nice and golden scales minute deviations from the letter of orders, which he could not have obeyed without sacrificing, in other more essential respects, his great and general trust and charge of public safety. In a situation of conflicting duties, every maxim of reason and morality requires that the less should give way to the more important obligation.

My Lords, the difficulties and embarrassments of his

situation have produced this good effect, at least, to his country that they have induced the Parliament of Great Britain to relieve his successor from the painful, degrading and ineffective, situation in which it was his lot often to be placed, by entrusting to the first member of their executive government in the East a large and necessary portion of discretional authority; thus enabling him to pursue the public service undismayed by such results as disabled and clogged the active operations of his [predecessor's] government. My Lords, happy it is for himself, happy it is for his country, that the noble Lord, now in supreme trust of our national concerns in that quarter of the globe, has to ascertain only through the medium of his own clear, unbiassed, judgment, and by the guidance of his own pure and honourable mind, the point on which the public safety rests. You have armed him—wisely armed him—with every means adequate to its attainment.

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Difficulties from controul of his action.

My Lords, the Defendant will at present trouble your Lordships with but one word more. The sum and substance of his public life is now before you. It has undergone a scrutiny, of such extent and strictness as no other public servant has undergone before. If your Lordships, under and for whom, as a most essential and valuable branch of the British sovereignty, he has in part governed, shall ultimately so deem of him as the numerous nations and tribes whom it was his lot to govern have already, by solemn and recorded attestation, pronounced of him, the most sanguine object of his ambition is gratified by this last, best, testimony of his public usefulness. The labours of his past, and the sufferings of his present, life are compensated and sanctified to him in the sure and certain hope of this joyful issue out of all his affliction. He commits himself, his fame and honour, and, in those last comprehensive words, every thing that is valuable to him on this side the grave, to the wisdom and justice of this sacred tribunal.*

Conclusion.

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* The following altercation ensued upon the conclusion by Mr. Law of his address :—

Mr. Burke.—I do not wish to detain your Lordships from considering at your leisure the effect of this eloquent peroration, but I wish to explain myself to the Counsel, who may suppose me to stop him for the purpose of interruption. My Lords, I asked him a question, which those who hear me know is common in all courts, that, since he has rested so much of his Defence upon those testimonials, and has quoted one of them—having mentioned the person who made one of the affidavits which he refers to—he would just mention to me who the other was ; and then I shall ask another question, which will admit

21 Feb. 1792. of as short an answer as possible, and which may in future, perhaps, save much of both his and your Lordships' time; and, therefore, I beg to know the name of the person who made that testimonial which the Counsel was pleased to allude to.

Mr. Law.—It is neither the habit nor is it the duty of my situation ever to announce to your Lordships any evidence I do not mean to produce. I will verify everything I have asserted. That testimonial, from which I have read a part, shall be upon your Lordships' table, if it be not resisted by the honourable Manager. At present, for his own personal satisfaction, if he wants information, he may have it by a ready communication from me in any other place.

Mr. Burke.—Then I ask this—

Lord Chancellor.—It is much out of order.

Mr. Burke.—I must beg leave to state to the Court, that, when any affidavit is mentioned, it is common and regular to state to whose affidavit the allusion is.

The Duke of Leeds moved to adjourn to the chamber of Parliament.

SPEECH OF THOMAS PLUMER, ESQ., COUNSEL FOR MR. HASTINGS, IN DEFENCE UPON THE FIRST ARTICLE OF THE CHARGE, RELATING TO BENARES; 23 FEBRUARY, 1792.

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Defence on the first Article of charge.

My Lords, I have the honour to attend your Lordships as one of the Counsel for Mr. Hastings; and the particular duty which is assigned to me, upon the present occasion, is to submit to your Lordships a more particular defence upon the first Article of the charge.

Apology for want of ability.

It is impossible for me to appear before your Lordships upon the present occasion, without being sensibly impressed with the dignity of this high court, the solemnity of the occasion, the great importance and magnitude of the trust that is reposed in me, and my own utter inability to do justice to the cause in which I have the honour to be engaged. If my learned friend who has preceded me, and of whose learning and abilities your Lordships have received such ample proof, felt it to be necessary to solicit the indulgence of your Lordships, I am sure it will be universally felt how much more I stand in need of that indulgence—called from a more humble station in the same profession, without possessing the same advantages, natural or acquired, to discuss political subjects, of great variety and extent, scattered over a period of more than twenty years, arising in a foreign country, and dispersed in a voluminous charge of thirty-two paragraphs.

My Lords, I am persuaded that I shall experience from your Lordships every proper allowance for the situation in which I stand, not for my own sake, but lest the cause of truth and justice should be in danger of suffering from so unequal a contest. Fortunately for me, the task that is imposed upon me is of a more limited nature than that which, with more abilities, has been already discharged by the learned gentleman who has preceded me. I am too sensibly impressed with the magnitude of the duty that is imposed upon me to feel any disposition to extend it.

General prejudices affecting the cause.

I trust that the general prejudices with which this cause was loaded, arising from general topics, have been satisfactorily

23 FEB. 1792. removed, and that we may now enter upon the discussion of the particular charge, without any reference to these general, extraneous, topics. It was impossible to expect a fair discussion of the motives and conduct of Mr. Hastings in any particular transaction, while the mind was filled with a general opinion of great mal-practice prevailing in the country where he had filled his great station, and prejudices operating upon the subject of the individual in particular. It was impossible to hope that your Lordships could come to the discussion of a particular subject without feeling a strong prepossession against a person standing in such a predicament, and, particularly, to the discussion of charges such as that I have the honour to defend—consisting, as your Lordships will see, when I come to explain it, altogether, of matters that are referable either to opinion, or to suspicion respecting the imputed intentions of Mr. Hastings in these measures;—for your Lordships will find that, with respect to the measures themselves, they are for the most part admitted, and upon them there is no dispute. The principal subject in dispute between us is with respect to the nature and quality of those measures—whether they are of such a sort as you, the prosecutor, represent them to be, or whether they are in themselves measures of a different description, not liable to all those imputations which you, from your opinion of them, think fit to attribute to them; and, likewise, in the other point of view, whether they originated in that bad and corrupt intention which you impute to them, or arose from a laudable sense of duty—from a desire to discharge that duty—as, I trust, will appear when we come to examine those measures.

Prejudices as to the individual character of Mr. Hastings.

When such is the nature of a charge, it certainly is of infinite importance that the mind should come to the consideration of that charge freed from any general prejudices respecting the individual whose conduct is the subject of discussion; because I am sure it must be felt by everybody, that, when we are considering the intention of Mr. Hastings with respect to Cheyt Sing—whether he acted towards him in the manner that is here stated, upon a deliberate design to ruin him—that deliberate design prosecuted for four years—which is the present charge—whether we look upon Mr. Hastings as a man practised in cruelty throughout every period of his life, a person who has been guilty of murder, a person who has been guilty of great barbarity

and cruelty thoughout every period of his life—it is impossible that we could come to the discussion of his intentions towards one particular person, without being prepared beforehand to expect, concerning a person regarding whom those unfavourable prepossessions were entertained, to discover in every act of his life the same cruel and bad disposition that we, in our general opinion, have already ascribed to him. 23 Feb. 1792.

I hope, therefore, your Lordships will feel it to have been of infinite importance that the cause should have been relieved from those general impressions, to the disadvantage of the English nation in general, and to the disadvantage of Mr. Hastings in particular—that Mr. Hastings may stand *rectus in curiâ;* and as, on the one hand, I do not mean to draw into aid, in the least, any reference to the general services of Mr. Hastings, or the general good character that he has been shown to maintain in his government, but to discuss the measures by themselves, one by one, standing and considered by themselves, I hope it will not appear unreasonable that, on the other hand, we should lay aside all prejudices arising from extraneous topics, and consider the measures themselves by themselves, as the measures of an individual concerning whom you know nothing but what appears upon the evidence, by examining the charges and comparing the evidence as applied to the charges, one by one, to see whether, in that point of view, the prosecutor has or not made good the charge he has made against Mr. Hastings.

Intention of limiting his efforts to an examination of the evidence.

My Lords, I hope likewise I shall not be thought to fail in my duty, either to your Lordships or to Mr. Hastings, if, in the mode of discussing this subject, I should do it in that manner which I have been accustomed to in the courts of criminal judicature which I have attended. If, in the discussion of a particular charge, great and splendid exertions are necessary on the part of the prosecution, I am afraid it will follow that similar exertions ought to be made on the part of the Defendant; otherwise, especially when the cause is of that sort that I have stated—not the discussion of a plain fact, where eloquence can be addressed with little effect, but involved in opinions, and in suspicions, and in intentions, where all the force and weight of eloquence operates powerfully to produce a certain impression upon the mind—I am afraid it will be extremely difficult to present it to your Lordships as standing in any

23 Feb. 1792. respect upon an equal footing, great and splendid exertions being made on one side and none at all upon the other. And yet, my Lords, if that be a part of the duty that is imposed upon me, if anything more is required or expected from me than barely to examine the charges and to compare them with the evidence, in a plain and simple manner, my Lords, I ought to take great shame to myself for having undertaken a task to which I am so totally unequal. I have no pretensions to it: I cannot and shall not attempt it. In that respect the cause must take it chance, and stand with all the disadvantages it must experience in so very unequal a contest.

Prepossessions on the side of a charge presented by the House of Commons.

My Lords, with respect to other circumstances, likewise, when it is incumbent upon me to prevail upon your Lordships to believe that the charge presented by the House of Commons is not well founded, it is impossible but I must in the outset feel that to be an arduous undertaking; for, with all your Lordships' endeavours to prevent it—and I am sure that your Lordships feel a wish to do so—it is impossible not to entertain strong prepossessions in favour of any charge that comes forward under such a high sanction, where all possibility of any sinister motive for the charge is excluded, and where it is extremely difficult to refer it to mistake.

In so high and respectable a body, consisting of all the learning, talents, experience, abilities, in the nation, that which is individually the object of the admiration of the world, and collectively operates so powerfully upon all its proceedings—it is extremely difficult for any person, who has the misfortune to contend with such a body, to establish that any proposition coming from such an assembly can originate in mistake.

Fallibility of the House.

I hope it will not be supposed that in any part of the discharge of my duty, I presume in the smallest degree to impute anything otherwise than as mistake; because it would be ridiculous in the extreme to suppose that all the House of Commons can be actuated with any sinister and corrupt motive towards Mr. Hastings. I am perfectly persuaded that they have acted upon the most pure and honourable motive; from a desire to promote the ends of public justice, to vindicate the honour and the character of the nation, which was supposed to have been violated by the conduct of persons in India, and in the instance of Mr. Hastings in particular. I am perfectly assured that the House of Com-

mons, collectively, and every individual of it who is concerned in the prosecution, are actuated by the purest motives; but I hope I may, without derogating in the smallest degree from that great assembly, presume to say that the House of Commons is not infallible. If all their acts were free from error, your Lordships' political as well as judicial character would be wholly useless. 23 Feb. 1792

The House of Commons have, upon the present occasion, brought this matter for your Lordships' consideration. All that they have said is, that there appears to them a sufficient ground to put Mr. Hastings upon his trial. Upon every subject, it is possible for the wisest and the best to be mistaken; it is particularly possible to be so in matters of opinion and in matters of suspicion. It is not in the least derogating from the honour of any person, to say that it is possible for him to be mistaken in a matter of opinion, where the subject is involved in considerable difficulty, where it arises in a foreign country, and where, as upon subjects of this sort, all the knowledge that most individuals possess must be derived from that medium which is very apt to deceive, namely, from the medium of books;—it is possible, I say, that, upon subjects of that sort, the most accurate, the most learned and the most laborious, may be mistaken in a matter of opinion. And, also, upon the other point, namely, with respect to suspicions of another's intention, it is no derogation of any learning whatever or of any abilities to say, that they do not necessarily possess that knowledge in perfection which belongs only to Omniscience. One man cannot know with certainty the intentions of another; it must at best be matter of suspicion: and it is surely possible that you may be mistaken with respect to your suspicions of the intentions of another, and particularly may be mistaken if, unfortunately for him, from any general circumstances attending the place in which his government was carried on, [you have adopted] any unfortunate prejudices or ill impressions with respect to the subject or with respect to his person. Undoubtedly, minds so prepossessed are still more apt to be mistaken when they come to judge of the intentions of another. They may suppose that they discover that bad intention which they generally affix to the character of that individual. It is certainly very possible, in that case, for them to discover—or to suppose that they discover—a bad intent operating in a particular instance, when they have

Only a suspicion of criminality asserted by the Impeachment.

Uncertainty in matters of opinion:

and in judgment of intentions.

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beforehand received an unfavourable impression with respect to the individual.

Disclaimer of want of respect for the House of Commons.

My Lords, I only, therefore, hope that, upon the present occasion, it is free for me to discuss the truth of this accusation, without being supposed to impute anything, or to derogate in any degree from the respect that I bear, to the House of Commons; and that, when I am examining the truth of these charges and accusations, the accuracy of them, the grounds upon which they are rested, and the arguments in support of them, I hope I shall not be suspected to be guilty of any kind of disrespect, either to the House of Commons in general or to those who appear here in support of it.

Impression produced by the character of the Managers.

My Lords, I know perfectly well that, with respect to those persons who appear the voluntary supporters of the present cause, their talents, learning, character, abilities, rank, connections—all operate powerfully to recommend the cause that they support. It is extremely difficult to prevent that respect which justly belongs to them, collectively and individually, communicating itself in some degree to the accusation they support. I feel all that difficulty pressing upon me—the weight of the House of Commons, the weight of those gentlemen, their high characters and situations—that they do in the very outset recommend the cause that they come to support; and, more particularly, if it be a cause involved in some degree of difficulty, requiring great attention and accuracy to develope. The mind naturally, in every stage of it, halts, when it sees the charge and compares it with the evidence, and fancies that it sees the charge perfectly unsupported by it; yet the mind is apt to distrust itself, and to suppose rather that it must be some mistake in itself than that so many respectable persons, who can have no bad intention, who have every means of knowledge, who have so much talents, can be mistaken. An individual would be apt rather to distrust his own understanding than to impute mistake to such persons, even if those persons were silent upon the subject; but, after all the splendid exertions that they have thought it fit, upon the present occasion, to make in support of their cause, that of course will have additional weight. I do not presume to complain of those exertions: all that I mean to say is this—if they were necessary, if they were proper, if the cause required it, they are the more formidable, and of course operate more powerfully against me upon the present

Disposition to acquiesce in their opinions.

Special exertions made by them on the present trial.

occasion, who cannot oppose to them anything that will not shrink to nothing in the comparison. 23 Feb. 1792.

My Lords, I have taken the liberty of saying what I have, with respect to the manner in which I conceive myself at liberty to treat these charges, in consequence of something that was thrown out in the opening of the present charge—namely, in regard to the respect that was due to the charges of the House of Commons, and the particular respect that was due to the present charges from the unanimity with which they passed in that House, or from the union of different persons possessing different political sentiments in support of the present accusations against Mr. Hastings.* From thence an inference was drawn that this was not a case, as upon former impeachments, of a powerful party against an obnoxious individual, but of persons of all descriptions laying aside all political differences, and uniting in the great cause of justice and humanity against Mr. Hastings. My Lords, I know what respect is due to the House of Commons, I know the respect that is due to the Managers for the House of Commons, but I do not know what is the respect due to the accusation of the House of Commons. If by that is meant that I am to examine the accusation coolly and deliberately, and to investigate it and try it by the evidence, that I understand: but, if I am to take the charges to be true because of the respect that is due to the character of the accuser, we are engaged here in a perfectly nugatory and frivolous business.

Asserted unanimity of the House of Commons in presenting the charges.

Claim of freedom to examine the charges.

My Lords, I do not presume to call in question any of the privileges of the House of Commons, but I conceive, with great deference to the House of Commons, that they can have no privileges that are inconsistent with justice; that an accusation of the House of Commons is but an accusation; that the charges are true or are not true, not according to the person who brings forward the accusation, but according to the nature of the thing itself. If the privileges of the House of Commons could make the charges to be true when they are not, then we might talk of the peculiar respect that is due to the accusation of the House of Commons. But, let them come whence they will, the charges are true or are false. You cannot alter the nature of things; you

The truth of the charges to be considered irrespective of the body presenting them.

* The Counsel is here referring to Mr. Fox's speech in opening the First Article of the Charge; see vol. i., p. 186.

23 FEB. 1792. cannot make them to be true by the privileges or the dignity of the House of Commons, if they are not so. And, with great deference, when I am inquiring whether they are true or not, all the respect drawn into the consideration of that subject operates against a fair discussion; it weighs down the mind in that deliberation; and, I think, therefore, that ought to be laid out of the question, with all the diligence it can be, for fear of its disturbing the mind and preventing it trying the charges by the only fair test—namely, by the charges themselves; examining and comparing them with the evidence in support of them.

The honour of the House of Commons not involved in the decision of the cause.

My Lords, I trust I may presume to hope that another topic that has been introduced will not operate in any respect upon the present occasion—I mean, that the honour of the House of Commons is committed in the event; that Mr. Hastings cannot be acquitted without imputing dishonour to the House of Commons, for having been engaged in a wrong prosecution; that, if Mr. Hastings is acquitted, the House of Commons must be considered as having preferred a charge that was ill-founded. My Lords, with respect to that, I hope the honour of the House of Commons is not inconsistent with the honour of your Lordships: and, if this charge is found ultimately to be not well founded, it never can be said that your Lordships must vote it to be well founded and pronounce Mr. Hastings to be guilty, because, if you do not so, the honour of the House of Commons will suffer in the event. If we were reduced to that alternative, that either the honour of the House of Commons must be sacrificed, by pronouncing the charge to be what it is, or the honour of your Lordships must be sacrificed, by pronouncing it not to be what it is—if we were reduced to that alternative, surely it is fair to say, that the honour of the judge is to be consulted rather than the honour of the accuser. But, my Lords, I hope in this case the honour of the two branches of the Legislature is not incompatible. They have well exercised their honour by preferring a charge and bringing it here to be discussed, to know whether it is true or not; and it is no dishonour or disgrace to the House of Commons to say, ultimately, that, upon that inquiry, it turns out that the charge is not well founded.

Desire of the House to elicit the truth.

My Lords, I am persuaded that I speak the language of every member of that House, if I may presume to say so—that they would not wish their honour to be maintained

at the expense of justice. Their object is, not the individual but the crime. If the crime does not exist, they have no resentment against Mr. Hastings. And, therefore, I am persuaded that the House of Commons and every individual member of it has no other wish but that the charge should be fairly sifted and examined, to see whether their suspicions are well or ill founded; and that every member of the House of Commons will rejoice, if it should turn out, in the event, that Mr. Hastings is able to exonerate himself from those imputations that have been cast upon him and upon the nation. If Mr. Hastings is able to do it, I am sure that it will meet with the wishes and the joy of every individual member of the House of Commons: so far [are they] from wishing that any prejudices should arise with respect to the subject, or that the honour of the House of Commons should be considered as necessarily involved in the event of the present prosecution. 23 Feb. 1792.

My Lords, I hope your Lordships will pardon me for having taken the liberty of stating these preliminary topics, which seemed to stand in the way of that discussion that I purpose to give this cause, upon which I will enter with all the diligence in my power.

Apology for inaccuracies.

My Lords, I am perfectly sensible that, having to discuss so long and intricate a charge, which involves a reference to such a number of documents, especially upon a subject with which I must be so imperfectly acquainted, I shall be guilty of many mistakes. I hope that, whatever inaccuracies I may be guilty of—and I fear I shall be of many—they will light only upon myself, and that the cause of the gentleman for whom I appear may not in that respect, as in any other, suffer from my defects. My Lords, I am the more disposed to say this from what has happened with respect to a paper upon the present subject, that was drawn up for Mr. Hastings by a friend, to whom it was committed.* I do not mean to say that any improper use has been made of that confidence which Mr. Hastings thought he might safely repose, when the House of Commons were his accusers, by putting them in possession of the general nature of what he had to offer in his defence. He was perfectly certain that no ungenerous use would be made of that confidence. I do not mean to say that any ungenerous or improper use has been made of it;

Mr. Hastings' Defence at the bar of the House of Commons.

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* The Paper referred to is the Minutes of Mr. Hastings' Defence, delivered at the bar of the House of Commons.

23 FEB. 1792. but, my Lords, I am sure, from the honour and the candour of the gentleman* who commented upon that Defence, that if he had known the circumstances under which it was written—

Not his own composition.

which have been in proof before your Lordships—that it was drawn up, great parts of it, without having been seen by Mr. Hastings at all—that the rest of it was only cursorily read over to him, at a time when his own mind was occupied in his defence upon another Article of charge—I am perfectly persuaded, from the character, from the honour and the candour, of that right honourable gentleman, that he would be the last person in the world that would wish to press in a criminal trial the inaccuracies of a friend—if there were any—against Mr. Hastings—to make him criminally responsible for inaccurate reasoning upon the minutes and documents which he was put in possession of; that, if there be anything which belongs to him in the discussion of it, all that could be said at the utmost would be, that he had had an injudicious friend—as he has now, certainly, a very injudicious advocate. And, therefore, I fear that, if, in the one instance, he may have suffered at all from inaccuracies or unguarded expressions in that paper, in the course of what I have to offer, I shall be guilty of many inaccuracies and defects. But I hope your Lordships will not permit his cause to suffer from having an indiscreet friend—if he had in that instance one—or from his having an inaccurate or indiscreet advocate upon the present occasion.

Claim of attention from the Court.

I have only one thing more, before I begin, which is, to request that I may be honoured with your Lordships' attention; for the subject that I have to discuss is of a nature that cannot be understood without very close attention; and, your Lordships having given it that attention, I am sure of the event. I am certain of the event when the cause is understood; and I am also certain that, to the right understanding of it, nothing more is required than correct attention to it. But attention is absolutely necessary; because, upon a subject which is involved a good deal in the manners and customs of a foreign country, where a variety of documents are referred to and particular parts are extracted, without referring to the occasion, to the context, to the date—unless correct attention is given to the expressions that are used, to the terms that are introduced in a subject of this

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* See Mr. Sheridan's speech in Summing the Evidence on the Second Charge; vol. i., p. 487.

kind, depending upon opinion and upon suspicion of intention—unless close and accurate intention be given to the subject—great danger there will be of mistake.

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The charge founded on erroneous inferences.

My Lords, in investigating this subject, I have laboured to compensate for my other defects with all the little faculties that I possess, and all the industry in my power has been devoted to this subject. I flatter myself that I do understand it; and, if I do understand it, I hope I shall be able to satisfy every one of your Lordships and every person that does me the honour of hearing me that the whole of this Article, from the beginning to the end of it, is founded upon erroneous principles, upon erroneous inferences, drawn from grounds that do not in any respect warrant them, and that, when it is fairly investigated and fully understood, there will not remain in the breast of any one individual the smallest particle of doubt upon the honour of Mr. Hastings, upon the purity of his intentions, and upon the rectitude of every one of the measures in the charge.

The present Article a history.

My Lords, the Article that is now the subject of discussion professes to be, in the nature of it, a history. It presents to your Lordships a historical review of events in the province of Benares, commencing, I think, in the year 1764, and terminating in the year 1784; comprising, therefore, events scattered over a period of about twenty years. In the nature of it, it is like all other histories; the historian giving his own opinion as to the nature of the measures that are related, and his opinion also or suspicions respecting the intentions of the person concerned in the history. And your Lordships will find it to be extremely necessary to attend to the triple character of the present charge; because, with respect to the measures themselves, there will be very little doubt; but it is in the other two characters, that is, with respect to the opinions and with respect to the suspicions of intention, your Lordships will find the whole criminality in the present charge to consist; and it is to those points I wish your Lordships' attention to be directed.

Suspicions of intention.

Prefatory portion of th Article.

My Lords, this charge is divisible into two general parts. The first fourteen paragraphs are introductory, and contain no matter of charge at all. It is all prefatory matter, for the purpose of establishing certain introductory principles, as a basis or foundation upon which the charges are built. And, undoubtedly, upon that part of the subject it is extremely necessary to be very correct; because, if the premises are ill-founded, there will be great danger that the conclusion will

23 Feb. 1792. be so likewise. Now, I think, when your Lordships come closely to examine these introductory paragraphs, you will discover the sources of all, or, at least, of great part of the mistake that has arisen with respect to the subsequent charges.

Accusatory portion.

My Lords, the accusatory part of the Article commences with transactions in the year 1778. I will divide it into two general heads—as it respects Cheyt Sing; and as it relates to the province of Benares. Mr. Hastings is accused of having caused the ruin of both. With respect to Cheyt Sing, that it was with a view to harrass, distress, and, finally, to ruin him, in consequence of preconceived malice against him. With respect to the province of Benares, he is stated, by his misrule and misconduct, to have reduced that once flourishing and opulent province to utter desolation and ruin. That is the general nature of the accusatory part of it; divisible generally in the way that I have stated, and referring personally to an individual or generally to the province.

Charge of ruining both Cheyt Sing and the province of Benares.

Matter of the charge founded on the history of the insurrection of Benares.

My Lords, the subject matter upon which these charges are founded is the history of the insurrection at Benares, and it comprises events that preceded that insurrection and events that followed it. It is stated that that insurrection is solely imputable to Mr. Hastings; that he raised it by his violence, breach of faith and oppression. With respect to the events that preceded the insurrection, it is stated that he made several demands upon Cheyt Sing, which are stated to be unjust, to be in direct breach of his duty and the trust reposed in him, and in breach of treaties—originating in malice and a design to harrass, ruin and oppress, him. It is stated that all the demands are made and prosecuted *eo intuitu*—with that horrid motive of a fixed design, commencing on the 9th of July, 1778, and prosecuted throughout, for a period of three years, to the final completion of that supposed object in the year 1781, in the total ruin and expulsion of Cheyt Sing; and your Lordships will find that, throughout all the history of this transaction, every act that Mr. Hastings does is imputed to that intention.

Demands on Cheyt Sing for military aid.

My Lords, it states demands of two kinds, that are made under one general head, indeed, for they are all demands of military assistance:—first, a requisition of troops, commuted for a sum of money, in the first year, repeated in the two following years. That constitutes three of the demands—a requisition of troops, commuted for the sum of five lacs, in the year 1778, and in the two following years, 1779 and 1780,

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for a similar sum, and, in the year 1780, an additional demand made upon him for cavalry. The general nature therefore, of these demands is a requisition of military assistance during a war; and the motive assigned for that requisition is a regular plan formed by Mr. Hastings to harrass, distress and, finally, to ruin Cheyt Sing from malice; and that those demands were rigorously prosecuted with the same bad intent.

Journey to Benares, with a view to extort money.

It is stated that, afterwards, Mr. Hastings prosecuted a journey to Benares for the purpose of effectuating the ruin of the Raja, and with a view to extort large sums of money from him, without any just or reasonable cause. His conduct at Benares is then the subject of particular discussion; and it is stated that he there preferred against Cheyt Sing charges represented as false, wicked and malicious. It is asserted that, in respect of these charges, Cheyt Sing delivered an answer that was a full denial or a complete justification. It is stated, with respect to the conduct of Cheyt Sing, that he demeaned himself with the utmost possible submission and humility; which your Lordships will find related in the twenty-second paragraph—to which I shall call your Lordships' attention more particularly in a subsequent part of this business—where it states the extraordinary submission and demeanour of Cheyt Sing. All the expressions that he made use of are set forth *verbatim*, for the purpose of representing this person as a humble, faithful, obedient, suppliant, zamindar—prince I should say, for he is so called—making a full justification of himself, desiring an inquiry into the charges; notwithstanding all which humility and submission and full justification, it is stated that Mr. Hastings arbitrarily and tyrannically put him under arrest, and loaded him with unmerited indignities.

The origin of the insurrection charged on Mr. Hastings.

The next matter that is in charge is, that Mr. Hastings raised the insurrection by his violence, breach of faith and oppression; that he, upon pretences that are stated to be extravagant, untrue and incredible—that Cheyt Sing was aiming to establish his own independency upon the ruin of the British empire—raised a war against Cheyt Sing; that he resisted all the endeavours of Cheyt Sing for an accommodation, and that he finally expelled him from his country; that the war that followed upon it is solely imputable to Mr. Hastings, and that he is the person responsible for all the dreadful consequences that followed upon that occasion.

23 Feb. 1792. These are the charges with respect personally to Cheyt Sing.

Events subsequent to the flight of Cheyt Sing.

The Article then goes on with a narration of events that happened subsequent to the flight of Cheyt Sing. It relates, in the first place, to the attack upon a place called Bidjey Gur, which the Article represents to be the place of residence of Panna and the other women of the family of Bulwant Sing, and an attack upon their property, without any inquiry whether they were involved in the rebellion or not. It imputes to Mr. Hastings the plunder of these women—that it was caused by the unjust and cruel orders that he issued.

Prize money.

The Article next relates to the prize money—to the large treasure that was found at Bidjey Gur, which had been left there by Cheyt Sing; and it introduces a correspondence upon that subject, the original orders that were given, the attempt to retract, the declaration of right, as it is called, and afterwards an attempt to obtain it as a loan; and, finally, it says—"Mr. Hastings was defeated in the object that he had pursued in a long series of acts of inhumanity, injustice, cruelty, oppression, breach of faith, ———" and so on, with a long string of similar expressions.

Settlement of the province.

It then comes to the settlement of the province subsequent to the capture of Bidjey Gur, and it states, as matter of charge, the appointment of the new Raja, Mehipnarain, to the government of the province of Benares; the appointment of his father, Durbejey Sing, to be the naib or steward of the province; and it states all the matters comprehended in the settlement of the province upon that occasion. It then states, as a matter of charge, the removal of Durbejey Sing, who had been appointed the naib, and the representative of the same person; and, afterwards, the appointment and removal of his successor in office—a man called Jugger Deo Sing; and, at length, it closes the whole with an account of the devastation, ruin and flight, of the inhabitants, and the utter ruin of the whole province. These are the charges. I believe I have stated them fairly, and the full effect of them: I mean to do so. In all I shall address to your Lordships, I shall endeavour, as much as I possibly can, to state the matter accurately, as I hope it will appear ultimately to be. This is the account given of the narrative of this Insurrection, with what preceded it and what followed it.

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My Lords, from this statement, it must have appeared to your Lordships how much of it depends upon the two heads that I have described. When we separate the measures themselves, stripped of all the load of words which are placed about them, and see what are the simple transactions, they appear to be nothing but these—that Mr. Hastings in a time of war called upon Cheyt Sing for assistance; that he enforced obedience to those orders by means that are not set forth in the Article—and, therefore, I do not now anticipate the defence; but that he prosecuted these demands; that he afterwards made a charge against Cheyt Sing for having disobeyed those orders, and for disaffection; that he put him under an arrest in consequence of that; and that, upon that, an insurrection arose. Who was the author of that insurrection, is all matter of opinion, matter of suspicion, which arose under the circumstances. But, your Lordships observe, the transactions are reducible only—to demands made; to demands prosecuted; charges of disobedience of them; a man called to an account for them; and an insurrection in consequence of it. And it is represented that the whole blame is imputable to Mr. Hastings, and that Cheyt Sing is wholly exculpated.

Statement of the transactions separated from suspicions founded on them.

Before we go into the particulars of the story of these demands, which are represented to have originated entirely from malice, I would just observe that the more natural story is, that they might possibly have arisen from a sense of public duty—from Mr. Hastings thinking that he had a right to make these demands upon him, and thinking that he was bound to make them. It is possible that the requisition of troops and service in the time of war might be owing to that motive. It is possible that Cheyt Sing may have actually disobeyed those demands; and that the charge preferred against him for disobedience may be true, and not false, wicked and malicious, as you impute it; that, upon that, it might be proper to arrest him; and it is possible, at least, that the subsequent insurrection may be imputable, not altogether to Mr. Hastings, nor in any part imputable to Mr. Hastings, but solely to Cheyt Sing, with all the consequences of it—imputable to the insurgent, and not to the person against whose government that insurrection was raised. My Lords, I say it is possible to be so. I do not at present do more than state, that, upon the face of the transaction, that appears to be the more natural, the more probable, account.

Probability of the demands arising from public duty.

Possibility of Cheyt Sing being responsible for the insurrection.

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Undoubtedly it is not enough to say, that, because the story as related is not very probable, therefore we are to reject it; but I only say, that, upon the first face of it, it is possible, at least, that some erroneous opinions [were formed] with respect to the right of making these demands—some erroneous opinions as to the mode of making them; and also that some little credit was given to Cheyt Sing which he did not deserve—that he was perfectly innocent of the charges made against him, and that that personal disobedience of his arose from pure fidelity, affection and attachment, to us: it is possible that they may be mistaken upon these subjects. It is for your Lordships to inquire whether those imputations are well founded or not.

Charge of deliberate intention to ruin Cheyt Sing.

The principal part of the imputation upon this subject respects the corrupt and wicked intention imputed to Mr. Hastings; because, most undoubtedly, if the conduct of Mr. Hastings towards Cheyt Sing could have arisen in the base and diabolical motive to ruin him—if it was possible that the heart of man could conceive such a design in the year 1778, and prosecute it for three years together—to be sure, a more horrid motive cannot be conceived. For one person to conceive a design to ruin another is, between man and man, a dreadful crime. For a public man, in a public station, to abuse his trust for the purpose of gratifying his private malice and resentment; to use the power with which he is entrusted purposely to drive a subject of that empire—perhaps I ought not to call him so at present, because I am anticipating the argument—but, still more, a prince and a tributary prince, as he is represented to be—to have endeavoured, at a period of that imminent danger, to drive him into rebellion, to excite and provoke him to do every act for that purpose—and to have prosecuted him *eo intuitu*—is one of the basest, the most horrid and diabolical, motives that ever entered into the heart of man to conceive, or that ever was imputed to a public man. My Lords, when such is the charge, your Lordships will certainly expect strong proofs to support it.

Nature of evidence required for such a charge

My Lords, I am aware that to prove such a motive we cannot very often have direct evidence. It must be circumstantial evidence. But circumstantial evidence affords a greater or less degree of proof, according as the circumstances are the necessary concomitants of the act. Where the motive is necessarily implied from the acts—where there is no extrinsic evidence, but it is to arise, intrinsically, from

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the acts themselves—undoubtedly, the acts ought to be of a nature that can be referrible to no other motive, and that are fairly referrible to that motive; that are, in their nature, accompanied with circumstances of such a kind, that it is impossible to conceive that any person would be committing those acts or promoting those measures who was not actuated by such a motive.

Now, my Lords, before I examine the foundation of the opinion of the question of right, or the grounds upon which this very severe imputation is made upon Mr. Hastings, will your Lordships permit me, in a very cursory manner, merely to state under what circumstances this private personal motive is imputed to Mr. Hastings, with respect to these measures. My Lords, all the measures that are imputed to this motive met with the concurrence of every member of the Council, in the place where they arose. Now, my Lords, do not let me be misunderstood upon the present occasion. I do not infer from thence, or mean to argue, that the concurrence of others is any vindication of a bad action: I do not mean to infer from thence that the concurrence of others is any argument of the rectitude of the measure: but I do, with submission to your Lordships, argue, that, if I can show other persons, who are not influenced, and not suspected to be influenced, by that individual, personal, motive that you impute to Mr. Hastings, concurring in the same acts, it affords a fair argument that what you suspect to be the motive is not the true motive; because I find the same acts are done by those who are not influenced by such a motive.

Concurrence of the Council in all the measures.

Now I will, only in a cursory manner, beg leave to refer your Lordships to the evidence now before you. I will state the pages wherein your Lordships will find all these acts—and I shall state presently in what sense I use that word—ultimately receiving the concurrent support of every member of the Council, during the period of their execution.

My Lords, I stated that the measures antecedent to the going up to Benares consisted of four demands. All four demands were made with the unanimous concurrence of the whole Board. The first demand is made upon the 9th of July, 1778; and, by the printed Evidence, page 67, your Lordships will find that the members present were Mr. Hastings, Mr. Barwell, Mr. Francis and Mr. Wheler, and that the question was carried unanimously.

Unanimity of the Council in the demands on Cheyt Sing.

The next is the commutation of this demand from a requisition of troops into a sum of five lacs. That was upon the

23 Feb. 1792 17th of August, 1778; and, by the printed Evidence, page 37, your Lordships will find that, the same persons being present, they were unanimous upon that subject.

The next demand was in the following year, upon the 19th of July, 1779. By the printed Evidence, page 87, your Lordships will find that, the same persons being present, they were unanimous in support of that.

The next demand is the 22d of June, 1780, and is in the printed Evidence, page 92. There were present only Mr. Hastings, Mr. Francis and Mr. Wheler, Sir Eyre Coote being indisposed; and these three persons were unanimous in support of the demand.

The last demand is upon the 2d of November, 1780. By the printed Evidence, page 97, it appears that the same three gentlemen were present—Mr. Hastings, Mr. Francis and Mr. Wheler, Sir Eyre Coote being absent on service; and they were unanimous in support of that demand. It appears, therefore, that the demands which are supposed to originate in the private, personal, malice of Mr. Hastings, and, in a design to ruin Cheyt Sing, are supported by the unanimous concurrence of every member of the Council.

Instances of previous dissent.

My Lords, I do not mean to forget that, though these demands were unanimous, there had been periods of time when some of the members were not of that opinion: that is pointed out particularly by the printed Evidence;—the temporary dissent of Mr. Francis and Mr. Wheler upon the 28th of September, 1778, which your Lordships will find in page 74;—the dissent of Mr. Francis, and an argument upon the question of right, on the 26th of August, 1779, which is in page 88;—the right, again denied by the same gentleman, upon the 29th of September, 1779;—an opposition made by Mr. Wheler to troops being sent to compel the performance of one of these demands. Now, I certainly did intend to have called your Lordships' particular attention to that circumstance; because it does appear to me, with great submission to those who did point it out, that, when I find a final concurrence of those who at certain periods differed upon the subject, it amounts to a much stronger argument of the propriety of the measure than if they had never differed at all, because it shows that those persons who once doubted were afterwards converted to the propriety of the measure—that Mr. Francis was a convert to the opinion of Mr. Hastings.

The measures dis-

Those measures that are supposed to originate in the

private malice of Mr. Hastings, Mr. Hastings brings forward to discussion in the presence of Mr. Francis and of Mr. Wheler, the Board being full. Did that motive escape the notice of Mr. Francis? Was he in the habit of receiving very favourably any measures proposed by Mr. Hastings, in the years 1778 and 1779? And, in the subsequent period, was he in the habit of overlooking so plain and clear an act as this is stated to be—a direct breach of treaty, and originating in a foul motive to ruin an individual? The suspicion now cast upon Mr. Hastings of a personal animosity towards Cheyt Sing, if it existed at all, must have been best known by those who were upon the spot—particularly known by Mr. Francis, who was upon the spot, and is supposed to be very well acquainted with every circumstances. I shall, by and by, state the very frivolous circumstance which is relied upon as producing this animosity. He was present; he was in Calcutta at the time; awake, therefore, to suppose and impute every measure towards Cheyt Sing to have originated in that motive.

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— cussed in the presence of Mr. Francis and Mr. Wheler.

Here, then, is Mr. Francis—in the constant habit of political difference with every measure of Mr. Hastings—a person most likely to have discovered that bad motive if it existed—a person who, at one time was not friendly to the measure, but, upon the first occasion of it, upon the 9th of July, 1778, starts a doubt upon the point—who, afterwards, in the month of August, 1778, expressly argues the question of right—upon the 19th of July, 1779, agrees to it without a word of objection; and, though he, in the course of the year, makes an objection to the mode of prosecuting the demand, yet, in the last year, throughout every part of it [he concurs in the demand]. Upon the 14th of January, 1780, he wrote to the court of Directors—he and Mr. Wheler, who had also doubted upon the subject, when Mr. Francis and Mr. Wheler composed the majority, and Mr. Hastings was the only individual besides at Council—reprobating the conduct of Cheyt Sing, and saying that, whether his conduct arises from a sense of independence or from a fear of establishing a precedent against himself, his conduct is equally unreasonable, and an ungrateful return for the benefits he receives from this country. That letter is signed by Mr. Francis and Mr. Wheler, the two former dissentients, as well as by Mr. Hastings. They all three concur. Your Lordships will find that letter upon your Minutes, page 90.

Their reprobation of Cheyt Sing's conduct.

23 FEB. 1792. And, upon the 12th of June, 1780, when Mr. Hastings proposed to anticipate this demand of five lacs, these two gentlemen, as I shall show your Lordships by and by, Mr. Francis and Mr. Wheler, who were at that time opposing the measures of Mr. Hastings with respect to Colonel Camac's detachment, when Mr. Hastings proposed to apply this sum of five lacs to that purpose, they say, in a joint minute of opposition, with respect to this sum of five lacs,—"We had already included that in our estimate of resources for the year, and, if you apply that to any other purpose, we must supply it by some other resources." Then what becomes of this suspicion of a motive, when these two gentlemen themselves had determined in the last year, after temporary opposition to it, after a doubt upon the question of right—when these two gentlemen say, in their own minute, they have determined upon it; and they say they had taken it as so much a matter of course, that they had comprehended it in their resources for the following year and they could not spare it—"if you take that you must have it from something else?" And, upon the 12th of June, 1780, at the time when they were opposing the other measures of Mr. Hastings, your Lordships will find them all unanimous in supporting that; at the time when these two gentlemen formed a majority and could have stopped it if they did not approve of it, here we have their concurrent support.

Their subsequent recognition of the demand.

Their concurrence in enforcing the demand by troops.

Nay, still further, your Lordships will find that, in the course of that same year, 1780, upon the 26th of October—as appears in the printed Evidence, pages 94 and 95—at a time when there were present Mr. Hastings, Mr. Francis and Mr. Wheler, Sir Eyre Coote being absent on service, these three persons again, the two dissentients upon former years forming a majority, determined upon this point, not only in favour of the demand, but determined to enforce it by troops. Having upon a former year, likewise, entertained doubts as to the propriety of enforcing it by troops, they, upon that day, the 26th of October, 1780, determined in favour of compelling an obedience by that very measure.

And to impose a fine.

Nay, further—they determined to impose a fine upon Cheyt Sing for his past disobedience! We have here, therefore, the concurrent approbation with respect to these demands, and concurrent in the strongest possible manner.

Malice less imputable to Mr. Hastings

And, my Lords, give me leave to ask, if it was malice in Mr. Hastings to propose it, he being convinced of the right,

was it not malice in Mr. Francis to support it, he doubting of the right? Surely it is a fair argument to say, that the very circumstance of doubting of the right makes it a hundred times more malicious in him. Not that I mean to say there was malice in either. I do not say so. I am persuaded Mr. Francis supported this measure upon pure and honourable motives; from a sense of duty, upon the belief that it was a right measure; that, notwithstanding there might be doubts upon the right, he thought it a proper measure to pursue; and Mr. Francis, Mr. Barwell and Mr. Wheler—I include them all—all acted upon pure and honourable motives. Mr. Hastings is the only individual, then, who can be supposed upon this occasion to act from other motives—and from an individual, personal, malice to Cheyt Sing—with respect to this measure. Therefore, I say, that, if I were not at all to investigate the grounds upon which it stands, if I were not to go into any opinions on the question of right, this circumstance of the concurrent approbation of all the members of the Council, after a temporary dissent, both upon the question of right and the mode of enforcing it, [would satisfy me of the purity of motive in the measure]—when I find them all ultimately brought round, and concurring, in the last year and in the very last act of Mr. Francis's political life, in November, 1780—for he left the country in December—in the last act of his life, sealing with their approbation the demand of cavalry from Cheyt Sing. Mr. Francis, having, in the course of the business, entertained some doubt upon the subject of the right, is at last convinced that all his doubts upon the right were ill founded; that all the ideas that force was not necessary to be used to this zamindar were erroneous, for, at last, force was found to be absolutely necessary; and, at the time he opposed Mr. Hastings in other measures, he concurred in this. The words he uses show a reluctance on his part. He says, in his last minute of the 26th of October, 1780—"I acquiesce, though I hope the threat will be sufficient." That shows, therefore, that Mr. Francis was still disposed to go as far as he could in favour of Cheyt Sing; not from any improper motive, but from an honourable and a right motive. He had still an idea that Cheyt Sing might be induced to compliance by the threat only.

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than to Mr. Francis.

Inforcement of the argument.

There is also another circumstance, which is excessively strong, namely, that Mr. Francis supported these demands, not only with a doubt of the right, but also with a declared

Mr. Francis's doubt of Cheyt Sing's

23 Feb. 1792. doubt of the ability of the man to perform them; for your Lordships will find that Mr. Francis, in his original opposition upon the subject, on the 17th of August, 1778, says—"It will be less distressing to the Raja to demand it by instalments than to demand it all at once." And, in September, 1778, he says—"The Raja might pay it if he has it." Mr. Francis doubted both upon the right and upon the ability of the man to pay it; and Mr. Francis and Mr. Wheler concur in these demands, notwithstanding they doubted upon those points. Mr. Hastings, having no doubt upon either, constantly declared his firm and clear opinion both with respect to the right and with respect to the ability of the man to pay it. Therefore, I say, that, if I were to draw inferences of malice and of bad motive from this measure, I should surely be arguing fair in saying, that those who supported the measures, entertaining doubts of the right and entertaining doubts of the ability of the man to pay it, are persons against whom I should suppose the charge of malice is to be fairly pressed, rather than against him who had no doubt of the right, who had no doubt of the ability, and who proposed the measure in that point of view.

ability to meet the demand.

Contrast with Mr. Hastings' views.

Mr. Lords, I do not mean to rest solely upon the support these measures received; I do not mean to waive examining the measures themselves; but I am only, in this cursory way, at first, showing your Lordships under what circumstances the charge of individual malice in these measures is imputed to Mr. Hastings. I shall, before I quit the subject in India, go on with the history of the measures after Mr. Francis left the country, and left only Mr. Wheler and Mr. Hastings in the Government. Your Lordships will find that the subsequent conduct of Mr. Hastings towards Cheyt Sing was communicated to Mr. Wheler, before Mr. Hastings went up to Benares; and I have a right to say, at least, that Mr. Wheler did not disapprove of it. There is some evidence that he actually approved of it; but, when it was communicated to him, he did not disapprove of what Mr. Hastings proposed respecting it. He was the only other member of the Council; and, if there could be any doubt upon the subject, when another member of Council was added to the Board, namely, Mr. Macpherson, who came out in the course of that year, Mr. Wheler and Mr. Macpherson afterwards approved, ratified and confirmed, the whole conduct of Mr. Hastings upon that subject. I will not tire your Lordships with a particular discussion of an observation that is made upon the conduct of this

Approval by Mr. Wheler of Mr. Hastings' conduct to Cheyt Sing.

Confirmation of his measures by Mr. Wheler and Mr. Macpherson.

Approbation of all persons in the Government.

gentleman, which shows that, upon that part of the case, Mr. Hastings did, with respect to his conduct towards Cheyt Sing at Benares, and in all his measures, receive the entire approbation of all persons then in the Government. This is an observation that is made upon their conduct when this subject is under discussion—and I only state it because it will save the trouble of a particular quotation,— 23 FEB. 1792

"If the conduct of Mr. Hastings towards Cheyt Sing has been such as to merit the approbation of this House, the two members of the Supreme Council, Mr. Wheler and Mr. M'Pherson, are intitled to their share of approbation, for the unreserved manner in which they have justified his acts. If, on the other hand, the House be of opinion that the proceedings against Cheit Sing were unjust, oppressive, and contrary to public faith, those members of the Council who approved their proceedings are implicated in the criminality." *

I mean only to say, that the whole conduct of Mr. Hastings towards Cheyt Sing, before he went up to Benares and after he went up to Benares, met with the approbation and concurrence, finally, of every member of the Council upon the spot at the time. I certainly do not mean to argue, that, because all those persons concurred in approving them, therefore the measures are right. But, perhaps, your Lordships think that some little presumption of that sort fairly arises upon that subject; because, after we have reasoned from documents and books, and in our closets, upon subjects arising in another country, perhaps it will appear that some credit is due to those who are upon the spot, who have the best means of knowledge, who are conversant with the manners, the customs and the laws, of the country where they govern; and that the most ingenious, most learned and most acute, inquirers upon the subject, confined to books and in their closets, may rail at measures that may not be found ultimately to deserve reprobation. I do not mean anything invidious. I mean only to say, that it is possible that we may be deceived with respect to measures, collecting our knowledge through the medium of books and papers, not being upon the spot. Those persons who are upon the spot have the advantage of local knowledge; and they have many advantages which are not to be enjoyed by persons at a distance. But, surely, it is fair for me to argue, that upon this subject there could not have been any suspicion of malice. If the measures were ever so wrong and inexpedient, that could not possibly be. You must find out some cause that is adequate to the effect. But you cannot impute to the bad motive of one individual what

Justification of the measures by general approval of them.

Want of evidence of malice.

* Supplement to the Second Report from the Select Committee, p. 22.

23 Feb. 1792. is the act of four, five, six, seven. It will not do; it is not broad enough to cover the thing; there must be very strong evidence to afford such an inference as that. It does appear to me, under such circumstances, that, at least, your Lordships would expect very strong and pointed evidence to satisfy you that this extraordinary circumstance could happen —that Mr. Hastings, acting upon malice, and with a design to ruin this person, should have the concurrence in the design of those who concurred with him in no other measure, but who were opposing all his other measures. That they should do the very same thing who were not under the influence at all of that bad design, is a most extraordinary circumstance to happen.

Concurrence of persons of different political sentiments.

My Lords, an observation was made with respect to these charges, that they were intitled to particular respect, because persons who entertain different political sentiments have concurred in their support. I beg to say, that that is not a fair argument to be addressed to your Lordships; because your Lordships are to determine upon your own opinions, and not upon the opinions which any other persons entertain. But, as an argument that the charges were not malicious, the concurrence of persons who entertain different political sentiments fairly applies. Now give me leave to apply that argument to the present subject. We have persons upon the spot, of different political sentiments, all uniting in support of these measures. Then, to take the right honourable gentleman's own argument upon the subject, it affords a fair inference both of the rectitude of the measures and the purity of the motive. Give me leave to put the case that, in the House of Commons, or in any other assembly of those who are generally in the habits of political difference, I should find the Minister for the time being bringing forward a measure against a particular individual, and those who are in the habit of opposing that Minister should say—"We concur with you in it; we approve of it and support you in it." Would not any man say that that was a fair argument to show that the conduct of that Minister to that individual did not originate in a sinister or corrupt motive?—in the first place, that he would not have brought forward to the scrutiny of his opponents a measure originating in a corrupt motive; in the next place, that it could not have escaped the observation of those opponents; and, lastly, that he would be less likely to obtain their support when they had doubts of the propriety of the measure? I hope I have succeeded in

Instance from the House of Commons.

showing that that which is the principal part of this charge, namely, that all these measures originated in a bad motive, comes forward under very improbable circumstances.

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It has already been stated, in the general opening, that this motion, upon the 9th of July, 1778, was made in consequence of a doubt, arising in conversation, respecting the right. Mr. Hastings himself entertained no doubt upon that question, but, finding that an individual member had, in conversation only, suggested a doubt—and that so faintly that it did not form any part of the minute—Mr. Hastings, immediately, in a way that clearly shows how conscious he was of the rectitude of his own measures, says—"If there be any doubt upon the question of right, let the question be referred to our superiors." He then immediately records his own opinion upon the subject, on purpose that it may be discussed by his superiors — that they may see what his opinion is, and the grounds of that opinion. Mr. Hastings there says—"I agree to the question, in the original form of it; deeming it a right inherent in every Government to impose such assessments as it judges expedient for the common service and the protection of all its subjects; and we are not precluded from it by any agreement subsisting between the Raja and this Government." There is Mr. Hastings' proposition—whether well founded or not, will be a point I shall consider by and by; but all I mean to say at present is, that this was the open conduct of an honest man who had nothing to conceal—"Here is my proposition; if you doubt of the propriety of it, send it to our superiors; let them decide it." Is it to be supposed that, if Mr. Hastings was conscious that he was bringing forward a measure with a view to ruin a man, he would invite and attract the notice of his superiors to it?—that he should be the only man to do that, though the other members of the Board would have let it pass over in silence? For Mr. Francis, you will find, says not a word upon the question of right; says not a word upon reference to our superiors; but, Mr. Hastings says—"I have no doubt upon the right, but if you have a doubt about it, let the question be referred to our superiors and et them determine it." He is, therefore, the person that calls the notice and attention of his superiors to that which is supposed to be his own wicked and malignant act: it is brought home to his superiors.

The question of right referred by Mr. Hastings to the Directors and Ministers.

Declaration of his own opinion.

A doubt had arisen; and your Lordships will recollect upon what subject the doubt was. In the commencement of

No expression of disapprobation

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from the Directors or Ministers.

the war, a doubt was entertained whether they had or not a right to make this sort of call—to impose this sort of assessment upon one of the persons dependent on the Government. Mr. Hastings had stated his opinion, that it was likely to operate throughout all the war which was then just breaking out; it was to be repeated annually. Your Lordships will find in the letter of the 17th of August, 1778, which was the communication to the Directors, it is expressly stated to be a demand which was to continue during the course of the war. The Directors then are put into possession, and the Minister for the time being, before whom the despatches in the ordinary course come, is put into possession, of this circumstance. Mr. Hastings says—"I am of opinion that we have a right, during the war, to call upon this man. *Si quid novisti rectius,* tell us. If you have any doubt upon the subject, send out your better knowledge. You have opportunities of inquiring; you have Counsel to direct you; you may consult all the most learned persons in the kingdom upon the subject; you have full leisure; you are not engaged in all the distresses of the Government, in the active operations of war; there are twenty-four of you; you have all your clerks, examiners, and persons to look into and digest every thing for you—do you exercise your judgment upon it, and, if my opinion is wrong, tell me so and I will retract it." He sends to them, in the month of August, 1778, and desires to be directed by them. What do the Directors? There is sent to them, year after year, for four years together, an account of all the demands, of all the treaties, of all the doubts entertained upon the subject, backwards and forwards. What do the Directors? They never give any one hint of the smallest disapprobation of it!

Mr. Hastings justified in presuming their approval.

Now, give me leave to ask, what is the situation of a public man abroad? He is to act upon his own best judgment. If there is a doubt upon any measure, says he—"I will refer it to my superiors, to tell me whether it is right or not." The year comes round: he must act. If the court of Directors are asleep, he cannot be so: he must either make the demand or drop it. He has said—"I mean to continue this demand during the war; if you disapprove it, tell me so, for otherwise it will continue during the war." What is he to conclude from their silence upon the subject? Is he to desist from it? What could he say for himself if he did desist? His own opinion is in favour of it: if he acts upon his own opinion, he will go on as he has done. What is he

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to conclude is the opinion of the court of Directors and all those to whom the despatches are carried? Is he not to suppose that silence gives consent, because silence must operate to the continuance of the demand? He could not drop it. He had stated that he meant to continue it during the war; therefore, if they thought it contrary to the treaty, it was incumbent upon them to have said so. Silence could not operate to prevent, but must to continue; therefore, when the court of Directors received the accounts of those demands, as they were made for four years together, and never offered a word of disapprobation, Mr. Hastings was bound to infer from thence, they had no doubt upon the question of right which was referred to them. He could not possibly suppose, if his conduct was not approved of, that all the court of Directors were so indifferent to the affairs of the Company that they would not read the despatches; or, if they read them, that they were so corrupt that not one of them, if he discovered it to be an act contrary to treaty, would have said so. He could not have presumed to think so of his superiors. If that was the fact, I am sorry for it. I do not believe it, for their sake. But, if he has the misfortune to serve such masters, who will not tell him how he is to act when he refers his conduct to their judgment, he must conclude from thence that his conduct is approved in that particular, and that he must go on in the same course. Give me leave to ask how would it be in the case of the Lord Lieutenant of Ireland, or a Governor in the West Indies, informing a Secretary of State that he proposes a certain line of measures during the war, and desiring his approbation or disapprobation respecting it, and the Secretary of State not sending him back a word of disapprobation? Is it to be understood that men in public stations abroad, when they communicate the measures they intend to pursue to their superiors at home, who have all the best means of knowledge, for approbation or disapprobation —is it to be understood that they act at their peril?—that, if they do not go on and act upon their own judgment, they will be then guilty of course of misconduct; but, if they do act upon their own judgment, if they do act upon an implied approbation of their superiors, that, after that, they are to be impeached for their conduct? And is it now to be said, after this had been lying before the court of Directors for four years, that you are to be impeached for having acted from the implied approbation of that long silence of the

Instance in conduct of Lord Lieutenant of Ireland.

23 Feb. 1792. court of Directors and of all his Majesty's Ministers upon the subject?

Plea of press of business in behalf of Ministers.

With respect to his Majesty's Ministers, before whom these measures were brought in a constant course of communication, it may be said, the multiplicity of their occupations prevented their going into a detailed process upon this subject; but I do not find the same latitude or the same indulgence made for the great pressure upon Mr. Hastings, in the multiplicity of his concerns. He is expected to read every document, every letter, every scrap of accounts; and he is to have no indulgence shown him for any mistake, in the midst of all the multiplicity of concerns pressing upon his mind, when he has all the empire to conduct. If they can find out, from the year 1702, before the establishment of this Company, an obsolete order, in any of the old, musty, records at the India House, or stuck up in a corner or in a drawer, that Mr. Hastings has not seen, read and observed, in the multiplicity of business, when conducting a great war, he has no indulgence at all shown him; but all inferences of malice and bad intention are to be drawn against him, if he has not acted upon an old musty order, which, if they had looked at it, they would have seen to be obsolete.

its application to Mr. Hastings.

With respect to his Majesty's Ministers for the time being, I do not mean to impute anything to any of them: they might be prevented by the multiplicity of concerns in which they were engaged. Undoubtedly latitude and indulgence must be given to men in great stations: they must attend to the great and pressing occasions at the moment, and they cannot be tried in this manner for little omissions or little defects. I only infer from thence, that there is no culpability in the subsequent conduct of Mr. Hastings in continuing the demands. He did all that was his duty; he acted upon his own judgment; he communicated his intended measures to his superiors; he must have inferred their approbation from their silence.

Mr. Pitt's approval of the act.

But, my Lords, it does not stop here. The right to impose these demands has now been the subject of discussion for, I believe, near ten years. Everything that has been said upon the subject is ransacked. All the learning of the East and West, all ancient and modern learning, is brought forward upon it; the highest talents are employed in investigating this great question of right. What does the right honourable gentleman who opened this charge tell us? "I

have,"—says he—"particularly discussed this at full length, because, upon this subject, I have the misfortune to differ in opinion with the highest talents in the kingdom. Those talents I think it right to take this public opportunity of giving my testimony in favour of."* Now, here we have it admitted to us that upon this subject there is at least a diversity of opinion. After it has been discussed for years —after great talents and abilities have been employed to make it out not to be a right—we are told by the right honourable gentleman who opened this Article, that, upon this very subject, the highest talents are of opinion that the right is as Mr. Hastings conceived it! Then, upon that which goes to the foundation of this Article—which cuts it up by the roots—that which pervades every part of it—without which it cannot stand a minute—upon that subject we are told that the highest talents in the kingdom, employed at the time, not by any friend or supporter of Mr. Hastings, not in a private room, but in the very place of accusation—one of his accusers—is compelled to admit, by the strength of his own just judgment upon that subject, he would have acted in the same manner! I do not urge this, in the least, as showing that the thing is right because the highest talents are engaged in support of it; but surely it is too much to say that your Lordships are to attribute that to malice and a design to ruin a man, when the highest talents in the kingdom are exactly of the same opinion and would have done the same act. If it be malice in Mr. Hastings to have done it, is it not a thousand times more malicious to support it when done? Did the point of malice escape notice? No! it was the very object of the charge. When that malice was pointed out—when that malice was argued upon—when every effort of the human mind was exerted to convince your Lordships that it was malicious—so obstinate is the malice of that other person that he, notwithstanding all this, perseveres in abetting, aiding and supporting, the very act done by Mr. Hastings in India! I say, therefore, Mr. Hastings has the consolation, at least, that, if this was malice, he has a good many companions in his malice—a great number of persons who would have been guilty of the same malice towards Cheyt Sing.

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Abettors of the measures equally chargeable with malice.

We are told by the right honourable Manager, himself,

Opposition of opinions on the case.

* This is the substance of a statement made by Mr. Fox in opening the First Charge; vol. i., p. 224.

23 Feb. 1792. unquestionably, of abilities which require no testimony in favour of them, that he is of opinion there is no right; but that there are very great talents, which he thinks it right to give testimony to, of a contrary opinion. Now, what must be the situation of Mr. Hastings or of any public man in such a case? If he supports the right, then comes a right honourable gentleman of very great talents and impeaches him for it, and says—"you did not act agreeably to my opinion, and, therefore, I insist upon it you are guilty of malice." If he had said, on the contrary—"I am of opinion we have no right"—then he would have had another right honourable person of equal abilities impeach him:—"You acted contrary to my opinion, and I am sure it is partiality and corruption that induced you to do it." So that, let him have acted either way, he would have been condemned by the greatest abilities in the kingdom.

Indulgence to public men.

I should have thought, some little latitude and indulgence might be shown to public persons, when, in the course of their public life, they feel themselves called upon to deliver their opinions and to act according to their own best judgment upon great constitutional questions of right that arise. We have all seen, I think, in our own time, instances sufficient to have induced some little latitude and indulgence to diversity of opinions upon great constitutional questions of right, arising even in our own country, where the laws and customs are better established—where learned men have written, and where learned men have acted and have thought upon them. Need I go out of the present proceeding, that we are now engaged in, to show that upon great constitutional questions there may be a diversity of opinion, without imputing anything of malice or any possible sinister motive? Need I allude to another event, that for a time spread such a gloom over the country, where upon a great question of right there was a difference of opinion?* Surely it will hardly be said, that, upon that subject, difference of opinion necessarily implied a a bad motive in any body. My Lords, where are we to stop with these inferences of malice that are to be drawn, because men in public stations deliver their opinions upon great public points and act upon them, if we are to have no indulgence for error in judgment, but that it must be pressed

Reference to diversity of opinions in public affairs.

* It is scarcely necessary to remark that the Manager here alludes to the discussion relative to the powers to be exercised by the Regent during the King's illness, in 1789.

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Mr. Hastings justified from malice by approval of persons of the highest character.

against the individual that it must be founded in malice if it turns out to be wrong? I beg to say that, if a single individual would come forward, not actuated by this bad motive, to say, with respect to Mr. Hastings' conduct in this business—"I have examined it; I have read all upon the subject; I have used my best means of information with respect to all that he actually did towards Cheyt Sing; I am of opinion that he acted, not only strictly justifiably, but highly meritoriously; I think I should have done the same thing"—if I could find an individual of great talents and great character that would come forward and say—"that is my opinion upon it"—then, whether Mr. Hastings was right or not, I should not inquire; because it is enough for me to say, it could not arise from malice; because here are the most disinterested, the most honourable, persons, of the highest talents, after all that has been said and written upon the subject, who avow their opinion in favour of these same acts, considering them strictly justifiable and highly meritorious.

I have taken the liberty, just in this way, in a very cursory manner, to submit to your Lordships a few observations, affording, as it appears to me, a fair ground of presumption against any supposed malice operating with Mr. Hastings, in any part of his conduct towards this person; and I hope I have established a sufficient ground to induce your Lordships to suspect, at least, that these opinions respecting these measures, and these opinions respecting these intentions, may not be well founded. I do not ask your Lordships to go further; because I will now enter upon the particular discussion of the particular measures, one by one, and I will examine the grounds upon which they are impeached, and upon which motives are imputed to Mr. Hastings of a sinister nature. And I trust, when your Lordships come to see the grounds upon which these opinions are founded, that it will turn out that they proceed upon mistake, from the beginning to the end—from partial extracts of documents, where the remainder, if referred to, explains it—from taking out bits, pieces and scraps, of documents, instead of looking to the whole, and where, if you read the whole, the sense is clearly made up and completed; and that, with respect to all the suspicions of intention, they are collected upon grounds so frivolous that, when they come to be examined into, I am persuaded there will not remain the smallest particle of doubt, in the mind of any one person whatever, that Mr.

Weakness of the grounds of impeachment of the measures.

23 FEB. 1792. Hastings was not in any respect actuated by the motive imputed to him.

Charge of breach of treaty in demanding military aid.

My Lords, the measures themselves, as I stated to your Lordships, were, in the first place, the demands of military assistance from Cheyt Sing. With respect to them, it is stated that Mr. Hastings was guilty of a breach of treaty—of a breach of faith; that he has disgraced the British name and character; that he has been guilty of extortion, exaction, injustice, and so on, with a great number of other epithets.

Assumption that Cheyt Sing was intitled to exemption.

The whole of this is founded upon that preliminary point, that Cheyt Sing, in the year 1778, was, in the nature of a tributary prince, exempted from every demand, of any kind and upon any pretence whatever; that he was to pay a stipulated sum of money to the Company, and, beyond that, he was under no obligation at all. That is the point contended for by the prosecutor; the whole is built upon that proposition. The breach of treaty, which Mr. Hastings has been so much loaded with the guilt of, stands upon that position—that he was a person exempted from all demands, of every kind whatever and upon any pretence whatever.

Now, my Lords, in arguing that question, we must, in the first place, lay aside all attention to the particular exercise of the right; because they are quite distinct questions—whether you have the right in any case, and whether you have properly exercised the right in the particular instance; and, therefore, when arguing this first question as to the right, I mean to leave out at present the particular exercise of it. For the proposition they must contend for is this—that, in no case whatever, and upon no principles whatever, could Cheyt Sing have been called upon by the British nation in India to co-operate in the public defence, in a time of war, difficulty or emergency, let it be ever so great; that he was to pay a sum of money annually to the Company, and that, beyond that, he was not liable to anything at all. That is the proposition.

Proposition that the exemption is the result of treaties.

Now, let us see how that proposition is made out? It is stated to be the result of treaties, contracts, agreements, which Mr. Hastings was bound to observe, according to the plain sense and understanding of them. I admit it. We shall see what is the plain sense and understanding, not of parts, but of the whole. Your Lordships have an introductory account, which is stated to be "the result of all acts, treaties, stipulations, agreements"—I think are the words. It is supposed, not only that that proposition was so, but that

Mr. Hastings had declared his opinion that it was so; and that is the point to be made out by the fourteen first paragraphs of this charge. Now, that induces a necessity for me to examine those treaties, to see whether, in any one of them, or in the acts that are referred to, there is the smallest ground for that assertion. I trust, when the whole comes to be examined, your Lordships will see it is all founded upon a mistake, from beginning to end, and that, in truth, there is not the least foundation for it. 23 Feb. 1792.

Before I enter upon that inquiry, I will take the liberty of submitting one or two preliminary propositions. In the first place—to go by steps—I apprehend, as a general proposition, it will not be disputed that the subjects of every empire, generally speaking, are bound to contribute to the support of that empire in a time of war, and that the sovereign power, wherever it be lodged, has an unalienable right to call forth and associate for the public defence the individual strength and power of every member of that state. I lay that down as a general proposition. I believe it will hardly be disputed. I conceive it to be the first principle in every society; without it, society could not exist. The first point for which men must unite themselves into society is for mutual defence; and, I believe, the wildest asserter of the "Rights of Man" never doubted but that the original social compact upon this subject is, that all the individual members of society are so bound, and must and cannot cease to be liable, so long as they continue members—that that is the fruit of that relation so long as it subsists. I say it is unalienable, because it does appear to me to be a contradiction in terms to suppose a person to be the subject of an empire and not be liable to the first duty of a subject, that is, the duty of co-operating in the public defence. In truth, when he co-operates in the public defence he co-operates in his own defence; and you can no more permit an individual member of the political body to withdraw himself from its general force than a member of the natural body to cease to act—that he should be paralytic on one side and not act; for all persons that are united in society must be bound to come forth, either in their person or their purse, to co-operate in the public defence. I conceive there is no doubt upon that general principle; and yet, I think, your Lordships will find, by and by, that the argument will resolve itself into that principle, because I shall show indisputably, I trust, that Cheyt Sing was a subject.

Subjects bound to contribute to the support of the empire.

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The principle in force in India.

The next proposition that I insist upon, as a general one, is—that India is no exception to the general rule. Perhaps, it would be sufficient to say that it is a civilised society, and that which is binding upon you must exist there: but, with respect to that, we were properly told, by one of the honourable Managers, that the tenure there is a good deal of the feudal nature.* Now, to maintain that the individuals of a society which is of a feudal nature should not be liable to military service would be an extraordinary position, because, if it did not exist in other societies, it would peculiarly exist in such a society; it is the very essence of it that persons who hold land by a military tenure shall be bound to personal service. I was a little surprised to hear the honourable Manager who argued upon this subject state, that upon feudal tenure the services were always limited in their nature; and that they were confined, I think he stated, to three objects, that is, redemption of the lord from captivity; the making the eldest son a knight; and the marrying the lord's eldest daughter. So that, according to that idea, in a feudal state, there is no provision for war at all; for all these are things which happen in a time of peace. What is to be done in a time of war, if that was all? Here is a military tenure without the first object of a military tenure—the duty to co-operate. Your Lordships know that all that is a mistake, and I shall not go into authorities upon the subject. [As to] the *feoda propria*—the proper feudal tenures—*feodorum inventum peperit rei militaris necessitas.* The very essence is, that the services should be uncertain; and it was only an abuse and corruption of the original proper fiefs when they came to be *feoda impropria.*

Feudal tenure.

Definition of zamindar.

I will only say a word with respect to the character which, I think, I shall show your Lordships this person was in—I mean with respect to a zamindar; that a zamindar of India is a term, as your Lordships know, signifying landholder—a Persian word *zamin* being land, and *dar* the holder of it—a landholder; that all the landholders of that country are zamindars—the holders of land of the sovereign, who is the owner and proprietor of the soil, who is intitled to and receives a rent from all of them for their land. And your

* See the Speech of Mr. Grey in opening the First Charge; vol. i., p. 270. It will be noticed that Mr. Plumer has overlooked the admission there made, that "the vassal was bound to accompany his superior lord with a certain military force in time of war."

Lordships will find it to be very material to attend to that circumstance—that the money they do pay, and that the constant, permanent, annual, revenue paid by them, is a rent for their land, paid by all the zamindars of the country. They used formerly, I believe, to assemble upon a day called the punya, when they came to receive their robes of honour, their sanads and kabuliyats, &c., that were made out every year to them. In the reign of Ackbar, it was settled for ten years; the zamin, or rent, that was fixed afterwards was annual. So at different periods of time they have been more or less fixed; and a variety of opinions have been entertained about making it permanent or not—varying it, and so on; but the general mode of settling between the sovereign, as landlord, and those zamindars, as holders of the land, has been constantly, if the zamindar will not come up to the terms the lord proposes, he is intitled to a mushahara or nankar, as it is called—some little allowance—and the sovereign takes possession of the country, and the lands go to somebody else. In short, he deals with him as a farmer—a holder of the lands, paying a certain stipulated rent, which is matter of contract between them, and which is variable or fixed according as they agree for one year or more, or for a perpetuity.

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Terms of tenure.

Now that rent is a perfectly distinct thing, and has nothing to do with the obligation which attaches upon him as a subject. That obligation, arising in another character, namely, from the relation of a subject to his sovereign, and not in the relation of landlord and tenant, is a perfectly distinct character and distinct obligation, namely, you hold your land upon the payment of a rent, and, *ultra* and beyond that, you are liable to defend your sovereign—to defend the state and yourself—not as matter of contract, upon which we are to make any specific stipulation with you, but arising from the constitution of Hindustan, that you all constitute and make the public force of the kingdom, in a case where, as your Lordships know, there is no provision by taxes to raise a considerable revenue—no commutation of that public service. I am speaking generally of the constitution of Hindustan, and where, therefore, the sovereigns of that country protect themselves by means of the landholders co-operating in the public defence; and your Lordships will find that all the history—But I do not mean to trouble your Lordships with any great authorities upon this subject, because nobody can look into the history of India without

Distinction of rent from duties as a subject.

23 FEB. 1792. finding that position of the zamindars—paying a rent, and being liable, *ultra* and beyond that, to yield military service. I will only just quote a paragraph that I recollect in a letter of Mr. Beecher's, speaking of what was the custom in Aliverdy Khan's time—that, in Bengal, the lands are settled upon moderate rents; that, when there is any invasion or any war, they were able to supply and did actually not only supply the sovereign for the time being with force, but did, in point of fact, assist the sovereign with one kror at one time, and fifty lacs at another, that is, a million sterling at one time, half a million at another. And he states that, besides their malguzari—that is another word for a rent—the jama malguzari, kistbandi, and so on, they did assist their sovereign with a million at one time, and half a million at another. It is mentioned in Gladwin's translation of the Institutes of the Emperor Ackbar, that "the subah of Bengal consists of 24 circars and 787 mahals, the revenue of 59 krors 84 lacs 59,319 sicca rupees, and the zamindars furnish also 23,000 cavalry, 801,158 infantry, 170 elephants, 4260 cannon, and 4,400 boats."* I will not trouble your Lordships with a variety of authorities upon this subject, because I do not find it is much put upon the principles of general law, but upon special contract with this individual; and, though it seems to me to be necessary to understand clearly what is the constitution of Hindustan, in order to understand these contracts, yet, perhaps, it is enough to state what my ideas are with respect to the general right, and the use that I shall afterwards make of it.

Feudal services in Aliverdy Khan's time.

Agreements with Bulwant Sing and Cheyt Sing.

With respect to the contracts that were made with Bulwant Sing and his son Cheyt Sing, I apprehend it will be necessary for those who contend, on the part of Cheyt Sing, for his exemption, to establish one of two propositions—either that Cheyt Sing was not a subject but an independent prince, or that, if he was a subject, he was by some contract exempted from the duty of a subject, that is, this duty in particular of military service. I deny both.

Cheyt Sing not an independent prince.

First, I deny that he was an independent prince, and insist upon it that he was only a subject, though a very considerable subject. In the next place, I insist upon it, that, being a subject, he could not be exempted from the

* "Ayeen Akbery: or the Institutes of the Emperor Akber. Translated from the original Persian by Francis Gladwin." 3 vols. 8vo., Calcutta, 1784–1786; vol. i., p. 17.

duty of a subject; and in the last place, that he was not intended to be exempted. I deny all their propositions—that he was either independent, an independent prince, or that he was ever exempted; that he could be so, or was ever intended to be so. 23 Feb. 1792.

And, with respect to independence, I trust it will appear, when it comes to be examined fairly, that it is an entire mistake, and that the only sense in which that word is ever used, in any one part of all the records upon the subject, will be found to be this—and I state it beforehand, in order that your Lordships may see whether I make good my proposition or not—that the only independence that Cheyt Sing or his father ever had was this—the independent government and management of his country, as between him and the inhabitants of the country; that his zamindary was given to him free and uncontrolled; that the internal government was meant to be given up to him entire, without the interference of the English Company at all; but that, whenever that word is used, if they would but have looked at the same page, the same sentence of the document, they would have found that the word "independent" is constantly qualified in this manner—"under the acknowledged sovereignty of the Company;" and that the sovereignty of the Company is, in the most positive, express and direct, terms that language can import, "reserved, in as full, large and ample, a manner as ever was held, or might have been held, by any of their former sovereigns." These are the very words of a document that they have quoted, selecting the word "independent," and leaving it to operate generally, in the full and unqualified sense of the word "independent," when, in the very same document—in the same page—in the same sentence—it is qualified in this manner—"under the acknowledged sovereignty of the Company;" with a full, explicit, direct, reservation of the sovereignty of the Company, and expressly stating his vassalage. So much with respect to independence.

Absolute in his own government; but subject to the Company.

In the next place, with respect to his being exempted from the duty of a subject, I say, that the most express agreement cannot dissolve it. You cannot be a subject and not a subject; and it is treason against the state to suppose that it can divide itself. If he is a subject, he must be liable to this primary, fundamental, duty of a subject. But, when it comes to be examined, what is this idea of exemption? It will be found to be—and it was so clearly ex-

His obligation as a subject.

23 Feb. 1792. pressed that it is astonishing to me how there could be any doubt about it—that the only exemption that he ever had at all was this—to make the rent he paid for his land to be fixed and invariable. But the idea of ever absolving him from the general duty that he owed, the obligation that he was under to perform military services, is the most erroneous idea that ever was entertained. He was to have his rent fixed and invariable. Rent and duty arise in a different character and in a different relation, and, therefore, it will be found to be all resolvable into these two primary mistakes. I take the liberty of calling them so, because I have correctly examined every page and every part of them, and I undertake to prove to the satisfaction of everybody that the foundation of that error, that we had no right to call upon Cheyt Sing, resolves itself into one of these two things—a mistaken idea of his independence, or a mistaken idea of his exemption.

Treaties with Cheyt Sing.

My Lords, I come now to consider, as shortly as possible, the treaties they have alluded to; and they resolve themselves into four periods—the period of 1764 and 1765, which I consider as one:—for they have carried us up to 1764 and 1765, which is in the time of Cheyt Sing's father. In order to find out this proposition, we have gone a good way for it; we have gone eleven years back to find it out and to collect it, if it could be collected, from all the history of every thing that a man said and wrote, and bits of extracts are collected to make out this proposition:—we begin, I said, with the years 1764 and 1765; we proceed to the year 1770, the year 1773, and the year 1775. The first three all relate to the period when he was subject to his former sovereign, that is, to Suja-ud-Dowla, so long as he lived, or to Asoff-ud-Dowla after Suja-ud-Dowla died, in January, 1775.

Treaties of the zamindar with the subahdar of Oude.

Your Lordships know that this country was formerly belonging to the subahdar of Oude, as part of his dominions, but was obtained, as has been fully explained to your Lordships, in the year 1775, upon the new treaty made with the new Wazir, the Nawab of Oude. The first, therefore, are treaties, and agreements, and acts, which respectto what was the case when it was under his former sovereign. The last period, your Lordships see, relates to the agreement that we made with him after we had acquired the country. The first agreement is with Bulwant Sing; and, with respect to him, the first thing that I see stated is, that he was a great

Bulwant Sing.

chief or zamindar. The right honourable Manager who opened this Article said, that it was of very little consequence whether he was a zamindar or only, as Mr. Hastings had stated, an amin, which is somewhat of an inferior rank; but that he would observe only an instance of Mr. Hastings' inaccuracy in calling him an amin, the inaccuracy of Mr. Hastings' answer in not admitting him to be a zamindar, and the inaccuracy of Mr. Hastings' Narrative in stating him to be only an amin. 23 Feb. 1792. Question of his being a zamindar.

Now, with respect to that subject, I agree with the right honourable gentleman that it is not of very great importance whether he was a zamindar or an amin; but not for the reason that he gave, because it is enough for my argument if he was no more than a zamindar, but it will not be sufficient for his argument if he cannot prove him to be a prince, which is a different thing from a zamindar; for, if a zamindar is a prince, there are a great many princes in India, and in fact every landholder is a prince. But, with respect to this proposition, since it is selected as an instance of Mr. Hastings' inaccuracy, perhaps it would have been as well to be quite sure of your own accuracy upon that subject. I do not dispute but that a person who superficially reads these documents will find, I believe, in no less than twenty places, this man called a zamindar, and his country called a zamindary; and I dare say that every English reader who in his closet looks at that will say—"here is a zamindar." Most undoubtedly, he is called a zamindar in twenty places: they argue upon that, and all the rights, and so on. But, perhaps, it might have been supposed that Mr. Hastings, who had been in the country, might have derived a little more accurate knowledge upon the subject, and have known what was the history of the country and the persons, and of their real right, and that terms are not always to be absolutely depended upon, and that we might be deceived, perhaps, if we ran away with that idea. Now the real history of this prince, as he is called, is matter of perfect notoriety to everybody in that country—that Bulwant Sing, the father of Cheyt Sing, was the son of a man named [Mansa Ram], who was a sub-collector at the time when the country belonged to Allahabad, and who was appointed and employed by a man of the name of Mir Rostum Ali, which person he supplanted. He got him turned out of his office; he got him imprisoned, and he got the office for himself, and he bought it for his son; and, at the same time, he bought the History of his origin.

23 Feb. 1792. title of Raja, which, your Lordships know, does not give any authority, but is a title of honour, like a Baron in a neighbouring country: you might purchase it for a lac of rupees, which he did give for it. He bought that and the office for his son. That is the known history of this prince. One benefit arising from this trial is, that, in the course of it, it has so happened that the matters which are the subjects of discussion here have been the subjects of discussion in another country, where, perhaps, there are better opportunities of knowing the truth of them; and I find, in the first place, where Lord Cornwallis had occasion to speak of this man, that the very first words he uses about him are these—"It appears that many zamindars were dispossessed by Bulwant Sing, when he was employed as amin of Benares under the father of the late Suja-ud-Dowla." Therefore, in the year 1788, this same inaccuracy of Mr. Hastings does happen to communicate itself to another person, who has made that matter the subject of inquiry.

Purchase of title of Raja.

His office of amin of Benares.

But it does not rest there; because it does so happen that that very point—the dispossessions by this man—were the subject of inquiry; and there I find a report, made by a person upon the spot and in the country who remembered him and all his history. He gives the history of all his appointments; the time when he got every one of them; by whom he was appointed amin and sub-collector; and whom he turned out in order to get that. Every circumstance is stated; the dates and all the particulars respecting them.

Now, for the first proof of inaccuracy respecting the character of this man;—and, where the whole stands upon opinion, it is not immaterial to show that you are inaccurate in the very first point where you set out. Where you are charging inaccuracy upon Mr. Hastings, in that very point, all the testimony of India concurs with Mr. Hastings, and shows that those who charge him with inaccuracy are themselves inaccurate. I will just read a few of them; they are very short. A very intelligent officer from Benares says,—

"I submit a short statement of the dates and manner of the dispossession of the several landholders [on the claims of whose present representation your Lordship in Council has decided; whence they appear to have all happened prior to the accession of the Company to the dewany of the province of Bengal and Bahar, or even to the first acquisition of Benares by the British arms in the year 1766; so that, although all the persons in question were not dispossessed, as your Lordships' resolutions seem to imply, in the lifetime of Sufder Jung (my address of the 16th

February only specifying the ancestor of Gobind Jut to have then lost the zamindary of Kimlet); yet the dates of the dispossession of all appear to be anterior to the most distant of the periods of limitation pointed out in the resolutions of the 11th *ultimo*, and thereby afford a sufficient ground for these resolutions. 23 FEB. 1792.

"*Signed, at the end of the letter,* JOHN DUNCAN, Resident."

"Read a further extract from the same consultation, beginning at page 955 of the same book.

"*Translation of Amrow Sing's report of the date of the dispossession of sundry of the former landholders of the district now comprising part of the zemindary of Benares:*—

"'Meer Rustun Ali Khan was dispossessed from his farms of the Cerkars of Benares, Chunar, and Juanpore; and Bulwant Sing was appointed by the Nabob Saadut Khan, the predecessor of Muzoor Khan, to the charge of the collections thereof, on the 21st of the month of Suffer in the 1151 of the Hejerah; that is 51 years and 7 months ago.—The Raja of Bidjey Gurr was forced to resign his ameldarry of the Bidjey Gurr district and to sell the fortress of that name for 70,000 rs. to Raja Bulwant Sing in the Fusilee year 1160; that is 36 years. Raja Adel Sing is the present representative of this family.—Loll Bukermajeet, the Raja of Pergunnah Hunlet (the ancestor of Govind Jeet and Raja Ram Gholaum) was displaced in 1161 Fusilee; that is 35 years ago. At that time, Mahommad Khuli Khan and Roy Purtab Sing were the Naibs of the Soubah of Allahabad and Oude. As there was a large balance of revenue due from the said Loll Buckermajeet to the aforesaid Kuli Khan as Naib of Allahabad, Bulwant Sing (who then paid his revenue to Roy Purtab Sing, who came to assist Kuli Khan in the expulsion of Buckermajeet) gave the banker Nundoo Loll Sahi security for 90,000 rs. for the liquidation of the latter balance, and thereupon possessed himself of Kunteel.—The Nabob Abul Mumoor Khan, the father of Shajued Dowla, died in 1168 of the Hejera; that is 33 years ago.—The Nabob Fuzul Ali Khan, of Ghazeepoor, was displaced from Ghazeepore in 1169 Fusilee; that is 27 years ago. Beny Behadar was at that time Naib of the Soubah of Oude, on the part of the Nabob Suja Dowla, and appointed Raja Bulwant Sing to Ghazypoor.— Baboo Dergbedjey Sing (the father of Raja Bhuggat Sing), then the zemindar of Scunga in the Pergunnah of Chowsah, was displaced by force of arms by Raja Bulwant Sing in 1170 Fussilee; that is 26 years ago.

"'Bhowayl Sing, the zemindar of the Pergunnah of Betuah, was dispossessed by Bulwant Sing in the Fussilee year 1171; 25 years ago.'"]*

It seems to me a little extraordinary that, in this charge, which is a charge for dispossessing the son, we find now that the whole country was obtained by the dispossessions of the father; that he dispossessed all the zamindars, himself, by force. Mr. Hastings is accused of dispossessing the son of this man—upon a charge of treason and rebellion—of that country which the father obtained by dispossessing all the rightful persons, without any cause at all. I shall have

The zamindars of Benares dispossessed by Bulwant Sing.

* Printed in the "Minutes of the Evidence," p. 1467.

23 FEB. 1792. occasion, by-and-by, to show your Lordships how perfectly nugatory the idea is of Bulwant Sing's ever having been the rightful zamindar. It will be seen by the documents that he himself says, when he comes to make a proposal to us—

His tenure of the Company.

"If you, gentlemen, choose to take possession of Suja-ud-Dowla's country"—speaking of Benares—"I will agree to hold it, and to pay the revenues to you as I do to him. They are under my charge, and if you will take possession of his country I have no sort of objection to get rid of my master." And that is just the case with his son: he did not care a farthing who was his sovereign: he said—"if you choose to take possession of the country, I will serve you as I served him;" and he did serve us exactly in the same manner.

Character of Bulwant Sing.

The next point respecting Bulwant Sing is the history of his character; and your Lordships will find it is not at all immaterial here, where we are going upon opinions, to see whether the charge is correct respecting the true character of the persons; for your Lordships will find that the whole of this Article depends upon the character of Cheyt Sing—whether he was, as one represents him to be, well attached to you, a faithful zamindar, or, on the contrary, a person who never was attached at all, who was withdrawing and withholding all his services, and at last broke out into rebellion against you.

Assertion of his attachment to the Company.

Now let us take, as a test how far this Article is to be depended upon as to his character for affection and attachment—let us take the first paragraph—"and the high attachment of Bulwant Sing." That "early attachment," as it is called, to the British nation has been the subject of high eloquence—"he who fostered the rising power of the British nation, and took them under the wing of his protection from his great attachment and love." The services he performed I do not mean to dispute: they were negative and positive services. His motive is stated to be, his attachment to the British nation in the early commencement of our power in India. Give me leave, in three words, to state his attachment, as it appears upon the very identical documents that are selected as the proof of this charge. It appears from them that, in the month of March, 1764, at the time when we were engaged in a war against Suja-ud-Dowla, his sovereign, Bulwant Sing, at that time serving his sovereign, made overtures to us, that, if we would secure him independence—that was his aim, and has been the aim of his family from

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the beginning—if we would make him independent, he would then come over to us and quit his master. As it was thought at that time to be a matter of great importance to detach a considerable member of Suja-ud-Dowla's dominions, it was a part of the contract made with him to make him independent; and the reason given for it was this, say they, —"His is a frontier country; if we make him independent, he will at all times hereafter be a useful barrier and ally to us; it will control the power of the enemy and strengthen us; therefore we will make him independent." And this proposal to make him independent is supposed by a learned and honourable Manager to have made him independent; but this, your Lordships will find, was nothing but a proposal. It was never carried into execution at all; for his perfidy and breach of all faith and all honour prevented its being carried into execution; and this is now stated as a proof of his being independent—because he was once proposed to be made independent, which proposal was never carried into execution at all! We were then marching on towards Suja-ud-Dowla's country. The moment we hung back and did not go on, the next account we have of Bulwant Sing's attachment to the British nation is—that he is gone! An officer writes upon the subject, that he is perfectly convinced that it was all a plan to draw us on. I will read the very words, that I may not be supposed to misrepresent the attachment of Bulwant Sing:—

Proposal to make him independent.

Insincerity of his alliance.

"With regard to Bulwant Sing"—says Major Carnac—"I am convinced he has only been amusing us, [and that the proposed alliance was a concerted scheme to bring us further on; for, though I added my seal to the Nabob's, in a promise of the sovereignty of his zemindary, on condition of his joining with us, upon my requiring, in proof of his sincerity, that he would deliver to my custody the fort of Serounjah (which would have been in our rear had we proceeded further up the Ganges), and that he would give me a meeting, he evaded both, and never obstructed the enemy nor afforded us the least supply of grain, both which] he might easily have done." *

Letter of Major Carnac.

And, I find afterwards, in the Bengal Secret Consultations of the 26th of April, 1764, the following entry:—

"Received two letters from Major Carnac," &c., "advising us that he is now convinced from Bulwant Sing's behaviour, of which the Major gives us an account, that his professed alliance with us was only a concerted scheme to draw us further on, and so favour Shuja Dowla's designs of getting between our army and Patna." †

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* Printed in the "Minutes of the Evidence," p. 1469.
† Ibid., p. 1468.

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That is the first commencement of the attachment of this man to the British nation. It is a violent attachment to his own interest and independency! The moment we retreat, his attachment grows cold, and away he goes, leaving us to take care of ourselves. There is an end of that contract, which was proposed and relied upon as making Bulwant Sing independent, but which never was carried into execution. We hear no more of him till after the battle of Buxar, on the 23d of October, 1764. That has a wonderful effect upon Bulwant Sing's attachment, because the British troops were successful in that battle. They routed Suja-ud-Dowla's troops completely, and we got possession of this very country of Guzerat; and Bulwant Sing was serving with his army in the battle of Buxar against us. Though his proposal to assist us was in March, 1764, on the 23d of October following, he was acting as a powerful enemy against us, under his sovereign; assisting Suja-ud-Dowla with a body of ten thousand horse, as he was bound to do by the obligation of his tenure.

Bulwant Sing opposed to the Company in the battle of Buxar.

Mr. Stables mentions that he was about to cross over into our country and to invade it, when the battle of Buxar defeated that plan. We having got possession of his country, having defeated Suja-ud-Dowla, then comes this well-attached man. What is the proof he gives of his attachment? Why, he says—"If you choose to take possession of Suja-ud-Dowla's country, then I will hold of you as I held it of him;"—and he mentions, or his agent for him, that the country produces twenty-four lacs—"I pay him twenty-one as my rent." "The Raja"—says his agent—"is a very punctual paymaster; he is a man who keeps steady to his engagements; he pays his rents regularly to the day. Take him; he is a good paymaster. You will never have a better renter than he is." Upon which, at the intercession of the Nawab, who was then with us, and who wanted to be paid out of these revenues, and because it was thought that Bulwant Sing, who had maintained himself in great power, was a great man, the persons on the spot actually entered into contract with him, and let him the land upon the same terms as he he held them upon before.

His subsequent offer to hold under the Company.

Contract with him.

But I find, with respect to this attached gentleman, by the letter from the Governor and Council to Major Munro upon that subject, when they heard of it, that they were not pleased with that contract being made with him; because they did not feel the warmth of this gentleman's attachment

Displeasure of the Governor and Council with the contract.

so strongly as the Artiele does. They say—"The double part that he aeted in the beginning of the war sufficiently warns us to put no confidenee in him; and, therefore, if he has not already been permitted to join, or if you have not entered into any engagements with him, we would have him dispossessed of the country, and his person, if possible, secured." They have, therefore, a eold sense of his attachment; they have a strong opinion, on the eontrary, that he was a man who aeted so double a part at the beginning of the war that they eould put no eonfidenee in him, and they were desirous to have him dispossessed of his property, and his person, if possible, seeured. This is the person whose attaehment to the British nation is set forth in the beginning of the Artiele, to eoneiliate the favour of the British nation to him! When the Governor and Couneil are informed of the agreement that had been made with him, they say—"We are sorry you have agreed with him before we knew of it; but, as you have, we will adhere to the engagement you made with him." He is permitted to enjoy the eountry. 23 Feb. 1792.

One proof of his attaehment I had forgot: he says—"I will take the eountry from you, but there is a little adjoining land I should be glad to have thrown in too." He would do us the great favour of taking the eountry upon the same terms; but he hoped we would add to it a little more, and he would pay rent for it as he did for the rest. His attaehment lasted but a short time, for, upon Major Munro's continuing stationary in the month of December subsequent to this, and upon Suja-ud-Dowla's moving and, I believe, investing Chunar—however, upon his being aetive—the next aeeount we have is, Bulwant Sing is eloped; he is gone off again; he has a violent attaehment to you, but, when there is a ehanee of matters eoming round again, the next account is, he has eloped. This is the man that is attached so mueh to the British nation!

Second desertion of the Company by Bulwant Sing.

Major Munro was succeeded by Sir Robert Fletcher; and Sir Robert Fletcher, in a letter which he writes in January, 1765, when he takes the eommand of the army, says—"I know what will bring baek Bulwant Sing; a general engagement is the thing that works upon his attaehment." Upon which, Sir Robert Fletcher immediately moves; he beeomes aetive; he pursues Suja-ud-Dowla and brings him out to attaek him; there is a ehanee of sueeess and Bulwant Sing's attachment returns! He comes back again and says, he hopes

Renewed submission.

23 Feb. 1792. we will give him the country again. Upon which, even after this had happened, we still persevere in the same line of benevolent and kind conduct towards him, and we put him again in possession of the country. The Board say, when they heard of that, after the part he had acted, that they are much displeased with it; and they write respecting this attached man in these terms :—

Reflections of the Council.

"This man acted from the first so wavering a part that we expressed, in our instructions to Major Munro after the battle of Buxar, our wish to have no connection with him; but rather that his person should be secured and some other person placed in his zemindary who was more to be relied on. However, the Major had, previous to the receipt of these instructions, admitted him to a treaty, and on the faith thereof we consented to abide by it. In this also he failed; and, therefore, it is our intention to trust him no further; which sentiment is also expressed by the General, in his letter of the 15th of January from Cossimbazar, where he points him out as one by no means to be depended on; that this is sufficient to inspire us with the strongest doubts of his fidelity, and see but too much cause to apprehend, if Shuja Dowla should again move this way with any considerable force, or our army at any time receive a check, that he will be the first to break his engagements in favour of the enemy; and, as his situation will always place him between our provinces and our army, he may be able to do us much mischief if allowed to keep up a force; that after Bulwant Sing, in violation of his treaty, had deserted our army, it was, as before observed, our wish that the country had been placed in the hands of some person on whose fidelity we might at least have had some dependence, and whose troops might have been an addition to our own strength, in case of a renewal of the war; but, as it appears that Bulwant Sing has again been received back on the faith of promises made by them, that we shall abide by them, though we wish none had been made till our sentiments had been known: that we can now only recommend that a strict eye be kept upon his conduct and correspondence, and that he be not allowed to maintain such a body of forces as may on any occasion be detrimental to us." *

[*Interruption by Earl Stanhope.*—"What is the date of that?"

Mr. Plumer replies.]—It is the consultation on the 1st of April, 1765. They are all collected together in the report of the Select Committee of the House of Commons.

Now, my Lords, I should not have thought, after looking at these documents, that Bulwant Sing's attachment to the British nation, would have been stated at this very time—for this is the very time they are speaking of, that he was attached to the British nation in the commencement of our power.

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* Printed in the "Minutes of the Evidence," p. 1470.

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I beg your Lordships will observe how very differently the motive of a native of India is interpreted from the motive of Mr. Hastings. Here the conduct of this man is such that nobody can read it, who has not a strong disposition to believe every thing in favour of him, without seeing manifestly that the motive of his conduct was interest, a desire of independence, and no attachment at all, but the very reverse. This man's services are attributed to attachment, but, with respect to Mr. Hastings' motive, when there is an obvious motive—a clear sense of duty operating upon his conduct—then we are to hunt out for motives the most improbable and unnatural—to collect malice; and all the evil imaginations that can infect and poison the human heart are to be imputed to him. This is the different manner in which we look at an Indian and a British subject in India. One man has credit for attachment, without a grain of it; and another has not credit for all the great public services and all the acts of duty that he does; but they are attributed to malice and to a desire to ruin a man, when it is obvious that he was actuated by a different motive!

Contrast of interpretation given to Bulwant Sing's motive and Mr. Hastings'.

If you interpret this to be attachment, I do not much wonder how you should conceive the son to be attached; because I believe the son to be just as much attached as the father. He is attached as long as he can get anything by you, and, the moment that his interest or the desire of independence presented itself in his way, he, like the father, held back, acting a wavering and a double part; he stood by you no longer than he feared you, and, the moment there was an opportunity given, he revolted from you, and endangered all the British empire in India.

Character of Cheyt Sing's attachment.

I, therefore, hope that, upon this subject, where we are upon a point of opinion, it has not been quite unnecessary to show the erroneous opinions at the outset with respect to Cheyt Sing's being a zamindar, which is matter of opinion, and with respect to his motive in the point of attachment. I shall only observe that this is concluded by a reference to the opinion of the court of Directors. It is stated, that he was, in the opinion of the court, of signal service to the affairs of the India Company. I admit that the court of Directors have said—"that his joining us at the time he did was of signal service." You have left out the words "joining us at the time he did," and put it as a general proposition, that he was of signal service. His

Asserted admission of the Directors of his services.

23 FEB. 1792. signal service was that sort of service that I have stated; and the point I dispute is not his service, but his motive.

I would only just observe here, how we are to have recourse to the opinions of the court of Directors with respect to the services of Bulwant Sing, and in what way we are to have recourse to the opinion of the same body with respect to the service of Mr. Hastings. The opinion of the court of Directors as to the partial service of this man is quoted and relied upon, when the documents [which] are before you [show] what his sort of services were. The opinion of the court of Directors as to the long, faithful and meritorious, services of Mr. Hastings, has been collected from his whole life of service, which is corroborated by the experience of all his conduct. That is to be thrown out of the scale; which, I admit, in estimating the guilt or innocence of Mr. Hastings, it ought to be. I only observe how their opinion, when they say a word in favour of a man who is taken up as an object of favour, is pressed upon you; and the opinion of the same body, speaking universally and in unqualified terms, with the concurrent approbation of all the Proprietors and all the people of India, to the long, faithful and meritorious, services of Mr. Hastings—that is rejected and has no weight at all.

Effect of the treaty with Suja-ud-Dowla.

The treaty was made, and, we having for a time acquired the sovereignty of the country from the King, the effect of the treaty was—as given in evidence by the Managers for the prosecution—to put Bulwant Sing in possession of his country; to restore him again *in statu quo*. He was to be reinstated in the situation in which he was before, and the country was restored to Suja-ud-Dowla. At the time when we were interfering in behalf of all those who had given us any assistance in the course of the war, a stipulation was made in favour of Bulwant Sing, and he was actually restored to the possession of his country, when Suja-ud-Dowla was restored to the possession of his country; and the fifth Article speaks of the country now rented by Bulwant Sing in the very terms of the treaty. That was treated of when we took notice of it at the time; it was read as a mere interruption and of no sort of consequence.

Stipulation for the security of Bulwant Sing.

The treaty of 1765, which was made with Suja-ud-Dowla, has nothing at all to do with the case, because it left matters just as they were before, excepting this—Suja-ud-Dowla stipulates to keep Bulwant Sing in possession of his country.

That is, we force the sovereign of the country to replace Bulwant Sing in the possession of his country, notwithstanding the treason and rebellion which he has been guilty of against him. Pretty hard terms to impose upon Suja-ud-Dowla! This man first came and served him as a tributary and afterwards turned against him, but, he having come over to us and Suja-ud-Dowla having fled into our camp and delivered himself to us, we insisted upon his putting this man in possession of his country and continuing to receive his rent as before. 23 Feb. 1792

Position of Bulwant Sing.

The effect of that treaty then was, to leave him as he was before. What was Bulwant Sing then before? I have shown your Lordships what he was; but I will admit, for the purpose of the argument, that Bulwant Sing was a nominal zamindar and had the power and authority of a zamindar; then do not contend for more than that. It is in evidence, in the first place, that he paid a rent to Suja-ud-Dowla, by his own declaration, of twenty-one lacs, a year, for his country—the very same rent which Cheyt Sing afterwards paid, only increased to twenty-three—and he at the same time is found *de facto* to be performing his other duty; he is in the field in arms assisting Suja-ud-Dowla as his vassal with ten thousand cavalry. We see here what were the rights of the father, the person whom they refer to as the criterion and the standard of all the son's rights. Here are both the obligations proved, consisting, in the father, of the payment of a rent and the performance of his duty as a vassal, by serving with his troops in the army of his sovereign Suja-ud-Dowla.

Military service rendered by Bulwant Sing.

I recollect that there is a particular account—I cannot refer to the passage now, but I remember a gentleman who was examined in another place upon this subject, who was personally acquainted with Bulwant Sing, was asked, whether the zamindars of Oude furnished military assistance to their sovereign, and he, in answer to that, singles out as a man of all others that did so—Bulwant Sing! Says he,—"Bulwant Sing kept up an army, and Bulwant Sing always furnished troops to his sovereign;" so that, even at the time when the other zamindars did not, he paid his rent and furnished troops to Suja-ud-Dowla, his sovereign. It appears by Mr. Stables' evidence, which is before your Lordships, that he did; and, I think, Mr. Stables has proved likewise that a vassal is bound to do it, though Mr. Stables had an idea that

23 Feb. 1792. he was aiming at independence. Was he independent? No; —but he was aiming at independence. Your Lordships will find, throughout all the Articles, it is stated that the rights of Bulwant Sing are the rights of Cheyt Sing. Here I have it established that, at most, Bulwant Sing was only a zamindar; and that he performed both the duties of the payment of a rent and the performance of military service.

Motives for upholding Bulwant Sing.

The next period referred to is the year 1770. Bulwant Sing, from the year 1765 to the year 1770, remained in possession—and I would just beg leave to observe that there is a great mistake, as it seems to me, in considering the policy of our country with respect to this subject. Your Lordships will find that it was a considerable object—inasmuch as it was a frontier country—to establish an interest there; to protect him against Suja-ud-Dowla, his sovereign; to prevent his sovereign ever turning him out of the country; to keep him in possession of that power and authority, and that rent, that he had been established in by the treaty of Allahabad, in the year 1765; and they say that it was not from any idea of his love or attachment to us, but because he knows that he will be turned out the moment we withdraw our protection from him; Suja-ud-Dowla has no regard for him or his son; and it is our interest that he should stay in, because he is in possession of that country—he can be a check upon Suja-ud-Dowla, and can assist us, in a place circumstanced as his country is, as a frontier country.

Interference of the Company to secure Benares to Cheyt Sing, at the death of his father.

The next period is the year 1770. All that was done then was a kind, a politic and a wise, interposition to procure, upon the death of Bulwant Sing, the same situation for his son Cheyt Sing. It appears that that was done, not without considerable difficulty; for Suja-ud-Dowla had determined—as Mr. Harper, I think, writes—not to permit the son to have possessions of the country. He did not like the family. I do not wonder at it. He had determined at least not to suffer him to have the same power, because keeping up troops and forts in that situation was too much power given to a subject—and particularly to such a subject—because it might be abused; he had determined to lessen that power, and he went to Benares upon the subject. It appears that the East India Company interfered on the part of Cheyt Sing.

Cheyt Sing illegitimate.

Now who was this Cheyt Sing who was raised up to such an eminence? In the first place, he was an illegitimate son,

and, of course, he had no right of succession at all, if his father had any authority. But, in truth, his father had none; and he was jealous and apprehensive lest his son should have an idea that he had a right. It is stated to be a matter of great delicacy to procure the appointment of Cheyt Sing, and it is, after all, made as a matter of contract, obtained for Cheyt Sing by the payment of a sum of money. I think seventeen lacs are paid down to purchase it, and an increase of the rent of two lacs and a half, swelling it up from twenty-one to about twenty-three; and it was at our earnest request and recommendation that the country was got for him, which otherwise he would never have had. Cheyt Sing was a Brahman of an inferior caste; he was the son of a Rajaput woman—that is, a person that was a captive in war—and she sustained a character upon which we have heard many observations. She was trained up a dancing girl, I believe, but she was afterwards received by Bulwant Sing, and the consequence was the birth of Cheyt Sing. But, inasmuch as he was ignoble in his birth on the part of his mother, none of the persons of the high caste of Brahmans would ever eat with him; and he did actually imprison some of them as a punishment, because they would not condescend to eat with him, inasmuch as he was a man of an inferior caste. But, notwithstanding that, we procured it for him: he was the only male of the family. Bulwant Sing had a daughter, who was married to Durbejey Sing, whose son is the present Raja; so that he had a grandson, a legitimate descendant through his daughter—the present Raja; but, as this illegitimate person was a son and a favourite of his father—he was, I believe, grown up at that time—and it being a great object with the Company to have somebody there that might lean upon them entirely, and be held by his interest steady to us—on that account we interfered to get it for Cheyt Sing at that time. The Brahmans were offended at it, and they said—"The right of inheritance is not in this man, but it ought to be, if there is any right at all, in the other;" and they contended for the person who was a regular Brahman and legitimate. But the Company then say—"That is all the partiality of the Brahmans for their own sect, but this is the proper man; we will support him." And they did support him and got the country for him.

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His succession secured with difficulty.

Cheyt Sing preferred to the legitimate descendant of Bulwant Sing.

Dissatisfaction of the Brahmans.

It appears clearly, therefore, that Cheyt Sing entirely owed his situation to us. He never would have had it but

Cheyt Sing's obligation to the Company.

23 FEB. 1792. for the interposition of the English; he got it without any antecedent right; he got it by our interposition, by the payment of a sum of money. So much with respect to the year 1770.

Intention of Suja-ud-Dowla to dispossess him of the forts.

All that I find done in the year 1773, which is the next period referred to, was the authority to Mr. Hastings to go up into the country and renew the sanads on behalf of Cheyt Sing; for, it appeared that, notwithstanding Suja-ud-Dowla had put Cheyt Sing in possession of the country, yet he was so adverse to him and conceived what he had done in 1770 as of so little validity that, notwithstanding the contract he made with him, he had determined to dispossess him of his forts—as appears by the report made by Mr. Hastings upon that occasion—and to exact a sum of ten lacs more from him. Upon which, Mr. Hastings, with that kindness that he has always shown to this family, went up there and interfered in his behalf. He desired Suja-ud-Dowla not, in defiance of his contract, to dispossess him of the country without any cause at all. And one of the declarations made by Mr. Hastings is laid hold of—as if that had anything to do with the case—of Mr. Hastings stating to Suja-ud-Dowla that he thought the contract he had made with Cheyt Sing was obligatory, which fixed the rent and fixed him in the succession of the country. Accordingly, Suja-ud-Dowla desists from that purpose, and a contract was then made—not a treaty, but there was a kaul-nama made out by Suja-ud-Dowla to Cheyt Sing, making him a regular zamindar. It is, I believe, to him and his heirs, and fixing his rent: it became then for the first time fixed. And your Lordships will find, that is a most material point in the cause, that in that kaul-nama, which is in evidence before your Lordships, the same thing was done then which was, in 1773, done afterwards by us—namely, to fix the rent and to make it invariable. There it is expressly said to be exclusive of the zama. "This rent," says he, "shall never be increased." The rent, which had been variable after his father's death, upon the son's succession was not to vary any more. The annual rent that he paid for his land was to be fixed and permanent; he was to hold it, paying that rent and paying no more.

Intervention of Mr. Hastings.

Cheyt Sing constituted a zamindar.

Fixity of rent.

Cheyt Sing not exempted from duty as a subject.

That was the contract made with him. But did that contract, by fixing his rent, absolve him from the obligation that his father was under before him and that he continued under? Is there the least word or hint of it—that, besides

fixing the rent, you shall be absolved from your duty? Not the least idea of it: and yet, according to the present argument, it might just as much be said that Cheyt Sing, in 1773, when his rent was fixed, was absolved from obligation to perform any military duty! Mr. Hastings' declaration then and his declaration in 1775 was this, and is a clear and a rational declaration—that, consistently with his contract, you cannot raise his rent. The rent is fixed and the time of payment is fixed, month by month; and it was just as much a breach of contract for the sovereign to break that as for a common landlord to break the contract with his tenant in this country. You cannot demand the rent before it is due, nor more rent than you have agreed to let him the country for. Mr. Hastings said—"You are bound to give him the country at such a rent; you cannot raise it after you have fixed it." And that was all the declaration Mr. Hastings ever made upon the subject.

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Mr. Hastings' declaration.

The declaration of Mr. Hastings in the year 1773 is quoted; and your Lordships will find it to be the subject of a paragraph in a speech made by Mr. Bristow at Suja-ud-Dowla's court, in the year 1775; and there is given *verbatim* the speech that he made upon the occasion. Why, my Lords, Mr. Bristow, when he was sent up, in the year 1775, to procure Benares, antecedently to it being actually transferred, seems to have acted the part of a good negotiator, for he was to lessen the value of the thing he was to get, and so he swaggers and talks high to Asoff-ud-Dowla. "Why you have little authority over this man; his country is at a great distance from you; he is a zamindar protected by us, and not to be put upon a footing with your other zamindars." No; he was not upon a footing with the other zamindars, because his rent was fixed, because he was protected by us. When Asoff-ud-Dowla wanted to take the rent in advance, the Board sent up and directed Mr. Bristow to interfere and tell him he could not do that. And that is the declaration that is quoted as having an application to this subject;—that, because he told him—"you are not to take his rents in advance—you cannot take them before they are due"—therefore you have no right to call upon him for military services!

Pretence that Cheyt Sing was on a different footing from other zamindars.

Mr. Bristow says—"There were a good many people present with Asoff-ud-Dowla, then, talking with him upon this subject: I thought it might be as well to make a speech to him." He begins and says,—"Cheyt Sing is a

3 FEB. 1792. protected man by us, and is not to be put upon a footing with your other zamindars." And these expressions are quoted, word for word, in this Article. I certainly admit the declaration; but it does appear to me to be just as relevant as a speech made by anybody else, upon any other subject, would have been, to be put into this Article.

Transference of Benares to the Company.

We come next to the last and to the most important period, the year 1775, at the time when the country was transferred to us. And, my Lords, before I consider that, I would, in the first place, ask your Lordships whether, if Asoff-ud-Dowla, before he transferred the sovereignty to us, had engaged in war and had called upon Cheyt Sing for his assistance, upon what pretence could we have prevented it, consistently with any of the contracts that were antecedent to that time? If we had quoted any of the treaties, he would have said—"these relate to his rent; they have have nothing to do with his duty. His father paid the rent, and his father performed the duty." He succeeded, according to your own account, as it is said in the fifth paragraph of this Article, upon the same terms as his father, Bulwant Sing, excepting only the increase of tribute heretofore mentioned—admitting that no other alteration was made in the tenure of this man but fixing the rent which is called tribute. It appears likewise in a subsequent part that, after the transfer had been made to us, Cheyt Sing continued to hold upon the same terms as his father had done, excepting the increase of rent. Therefore, if I have satisfied your Lordships what were the rights of the father, it follows what were the rights of the son at that time, so long as he continued the subject of Suja-ud-Dowla. Then it comes to this point:—if he was made a prince, if he was exempted, he must have been exempted by the last contract in 1775.

Contract of 1775.

Now, I do beg your Lordships' attention to this most extraordinary account that is given of this contract in the year 1775—the most important contract of all, because the last contract—to see in what way it is represented. The first thing that I will point out to your Lordships' attention is paragraph nine of the Article—stating that, some time in the year 1775, Mr. Hastings did propose and carry into Council a resolution, "that it should be made a condition of the treaty then negotiating with the Wazir, that Raja Cheyt Sing should exercise a free and independent authority in his dominions, subject only to the payment of his tribute." This is inserted as a proposition intended to be carried into

Proposal by Mr. Hastings that Cheyt Sing should have independent authority.

execution in a future negotiation. Anybody, in reading this, would have concluded that this proposition was afterwards carried into execution; and yet your Lordships will find it never was carried into execution! It is a plan once intended, but afterwards dropped. And here they have inserted in this Article a proposition in Council of a thing once intended to be, and they have, at the end, stated that Mr. Hastings was bound to observe all these treaties, stipulations and engagements, stating this as one of them! It certainly was true that, at one time, Mr. Hastings intended, in order to mitigate and to lessen the ignominy and disgrace that he thought would fall upon the British nation by that scandalous breach of all treaties—the determination that they all expired upon the death of Suja-ud-Dowla—in order to mitigate the disgrace that would fall upon the nation by that, Mr. Hastings said—"I propose, if anything is to be done about Benares, that Cheyt Sing be made independent. Let him pay his tribute to us the same as to his former sovereign, and, in all other respects, be made independent." But Mr. Hastings further says—"I propose this with reluctance, because it is only in consequence of the resolution that you have made in the morning, that all treaties expire. I am very unwilling to do it; but, upon the footing of what you have done, I propose this."

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Not carried into execution.

My Lords, only advert to dates. This proposition is in March, 1775; the treaty with Asoff-ud-Dowla was made on the 21st of May, 1775; and this proposition which Mr. Bristow was sent up to negotiate was afterwards dropped. And I will only beg your Lordships to observe what is the treaty, given in evidence by themselves upon this subject—stated in this Article—[the terms] of an intended negotiation with the Wazir. Here is the treaty, and it is impossible for a treaty in more clear and distinct terms to convey the sovereignty absolutely to the Company.

Terms of the treaty with Asoff-ud-Dowla.

The fifth Article of the treaty made with Asoff-ud-Dowla upon the 21st of May, 1775, is,—

"The said Nabob [for the defence of the country, as before specified, declares that he has given up, of his own free will and accord, unto the the English Company, all the districts dependent on Rajah Cheit Sing, together with the land and water dues] and the sovereignty of the said districts in perpetuity. That the English Company shall, after one month and a half from the date of this treaty, take upon them the sovereignty and possession of the districts under Rajah Cheit Sing, as hereunder specified."*

* Printed in the "Minutes of the Evidence," p. 51.

23 FEB. 1792. And then, in an agreement afterwards, it says,—

"The possession and sovereignty in perpetuity of the said districts under the said Rajah, without incumbrances, [delay, dues, debts, tuncaws, etc.] I wholly give up to the English Company."*

Sovereignty reserved to the Company.

Now, is it not very extraordinary that this Article quotes a proposition intended to be a treaty which never was a treaty? And these words of the Article itself are represented in the manner that I will state to your Lordships. Your Lordships will see that, in the argument I am pressing, the whole point is—sovereignty. I am contending to establish sovereignty; they who contend on the part of Cheyt Sing are to avoid sovereignty.

Misrepresentations in the Article of charge.

See how this Article is worded. Paragraph the tenth is—

"That an assignment was afterwards obtained from the Vizier to the Company of the tribute payable by the said Rajah; part of the rights of superiority which the said Vizier was entitled to hold and to bestow were transferred."

"The rights of superiority," and "an assignment of the tribute!"—Where did they get these words? "An assignment of the rights of superiority!"—Why, it looks to me as if this had been written by some person who wished to avoid that hateful word, sovereignty. "Get hold of some periphrasis—some other word that will express it; do not touch upon the word sovereignty: an assignment of the tribute and the rights of superiority, but avoid the word sovereignty; that is death to the argument." It is a most astonishing thing: there are no such words as these—"an assignment of tribute"—"an assignment of rights of superiority." It is a most ingenious periphrasis, after you are to get hold of the word to run away from it. One would have thought that this had been drawn up—I beg pardon for anything that might be thought disrespectful—by somebody that was so democratical that he would avoid everything that had any appearance of sovereignty. "Keep clear of that word; make use of any roundabout expressions; call it 'tribute;' call it 'assignment of the rights of superiority'—everything but the rights of sovereignty." And yet here is this word, sovereignty, the plainest that can be. I do not wonder that there should be mistaken conclusions from such premises.

It then states, in the most extraordinary manner, in paragraph the eleventh—and I confess, I never in all my life saw

* Printed in the "Minutes of the Evidence," p. 51.

such a composition as that is. This paragraph is composed of extracts picked out from a great number of different sentences, and the remainder of the sentences are left behind, which contain a directly contrary meaning. I will entreat your Lordships to compare paragraph the eleventh with the documents that are quoted, and you will see, when the whole is put together, that the direct contrary of the inference conveyed by this paragraph will be the result of the examination. 23 FEB. 1792.

After the Company had acquired the sovereignty—which they did, your Lordships see, upon the 21st of May, 1775, by a treaty that was afterwards confirmed, in June, 1775, I think—the first object was to make a new contract with Cheyt Sing; and, my Lords, it is very material to attend to the manner in which that was done. On the 12th of June, 1775, five propositions were brought forward by Mr. Hastings. Next, the actual contract is made in consequence of them, which was reduced into regular conveyances, sanads, kabuliyats; of which there were three sets at different periods, in consequence of objections that were made by the Raja to particular expressions in them, and they were not finally perfected till the 5th of April, 1776. These are two documents—the propositions that preceded and the contract that followed. And, lastly, the instructions to Mr. Fowke, which were upon the 16th of August, 1775, I think, and a letter of Mr. Hastings to Cheyt Sing. Contract of the Company with Cheyt Sing, in 1775.

The propostions will be found in page 53 of the printed evidence; the resolutions of the Council upon it are in page 55, and were upon the 5th of July, 1775. The subsequent instructions to Mr. Fowke are in page 57, and the letter of Mr. Hastings in page 59. All these and the contracts afterwards were produced at your Lordships' instance; for the contracts were not produced till your Lordships were so good as to call for them, and they are in page 70.

CONTINUATION OF THE SPEECH OF THOMAS PLUMER, ESQ., COUNSEL FOR MR. HASTINGS, IN DEFENCE UPON THE FIRST ARTICLE OF THE CHARGE, RELATING TO BENARES; 29 FEBRUARY, 1792.

19 FEB. 1792.

MY LORDS, it is impossible for me sufficiently to express the deep sense I entertain of your Lordships' great condescension, in the high honour which you have been pleased to do me in the attention paid to my imperfect endeavours to discharge the arduous and important duty which is imposed upon me. Flattered by this encouragement, I hope I may presume to consider myself at liberty to proceed in the same manner to examine the grounds upon which these heavy imputations have been cast upon Mr. Hastings, and under which he has so long and, as I hope your Lordships will feel, so undeservedly laboured. After so many days have been occupied in long and eloquent descriptions upon matters that are not in charge, I am sure your Lordships will not refuse, to a plain argument upon matters that are in charge, that portion of time which the nature of the subject—which the length and intricacy of the Articles to be discussed—render unavoidably necessary.

Article grounded on question of right.

My Lords, the question of right, which I was proceeding to discuss when I had last the honour of attending your Lordships, seems to me to be that upon which this first Article materially depends; and I am persuaded it will be found not to be matter of mere verbal criticism—which I should be ashamed to have recourse to upon an occasion like this—in discussing accurately the grounds upon which the proposition maintained on the part of the prosecution is founded, to examine it correctly. When, upon the terms that are used—upon the expressions and phrases in the particular documents—important conclusions are drawn, it becomes me to examine what the words of the particular documents are upon which this main question depends.

Your Lordships will recollect, that, in following the prosecutors through the preliminary matter of history given upon this subject, I had brought the consideration of it

down to the year 1775, and had endeavoured to establish, that, at that period of time, Cheyt Sing was neither independent nor exempt from the duty that he owed to his sovereign, to afford military assistance. I endeavoured to do that by showing the rights that were enjoyed and the duties that were paid by this family at different periods of time; and, by the admission of the prosecutor himself, that in the year 1770, in the year 1773, and in the year 1775, prior to the new contract made with Cheyt Sing, no other alteration had been made in the tenure and condition of this zamindar than merely in the variation of his rent. I presume, therefore, to consider that, at this period of time, Cheyt Sing was, though a powerful, though an opulent and protected, zamindar, yet that he was no more than a zamindar: and I presume, therefore, to consider that, inasmuch as a zamindar is not a prince but a subject, a landholder, that, at that period of time, he was neither a prince nor independent. If he was a prince the whole country is filled with princes, because all the land is in the holding of zamindars; and, whether it be a great zamindar or a little zamindar, he is still no more than a zamindar.

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Cheyt Sing not exempt from military service.

Subject position of a zamindar.

My Lords, whatever rights, therefore, he had, *ultra* and beyond what belonged to all zamindars, must be matter of express grant. I have endeavoured to show that all the antecedent contracts made with him amounted simply to this—to make the rent for his zamindary fixed; that no assurance ever was given, on the part of his sovereign, on the part of the British nation—no declaration, in any debate, in any letter, in any one part of the whole history of this Government—from Mr. Hastings, which ever intimated more than that the rent of his zamindary, which in general is variable, in this instance should not be so, but that the rent should be fixed, the times of payment fixed. And in that case, therefore, no interference could be made on the subject, either by demanding more or demanding it before it was due, without a violation of the contract. But I presume to consider his duty as a landholder as perfectly distinct from the duty that he owes in the character of a subject. It will be found that, in the year 1775, Cheyt Sing's sovereign did, in fact, exercise several other rights that interfered with the internal government of his country; and your Lordships will find it not immaterial presently to advert to that point—that, over and above the payment of his annual revenue or rent, the sovereign did, in fact, enjoy several

A fixed rent conceded to Cheyt Sing.

Sovereign rights exercised over Cheyt Sing by the Wazir.

29 FEB. 1792. small duties that were raised in the country upon grain an oil, and a variety of little articles that were paid to the darogha, or mint master, in Benares—the officer of the government; that he had, besides that, a kotwal—an officer of the police—established by the Nawab; and that, in all these respects, he materially interfered with the government of the country. And it had been, as your Lordships will find, frequent matter of urgent importunity, on the part of Cheyt Sing, to remove those little interferences with the subjects of his zamindary, but the Nawab could never be persuaded to do this; and General Clavering states that the reason of the Nawab probably was, to keep up his authority in the country—not because of any advantage derived from it, for the rent was very small; and, besides, there was the general obligation upon him as a subject. Such was his situation when a new contract was made with him, subsequent to the transfer of the sovereignty to us. I hope I have established that the sovereignty was entirely conveyed to us, and that, consequently, we stood in the place of his former sovereign; that whatever right his former sovereign had we had also; that we had a right to the revenues; that we had a right to this rent and to the general duty—as from our subject—of assistance in time of war.

The sovereignty conveyed to the Company.

The question then is, whether, by the new contract which was made with him, these important duties were all, or any of them, and which of them, actually renounced and given up. Whether he was rendered independent, which he was not before, or exempted from any obligations or any revenue that he paid before, and which he was bound to pay to his former sovereign. Upon this subject, I apprehend it will be admitted that, if I have succeeded in establishing what his situation before was, then all will continue that is not expressly renounced; and I only beg your Lordships will recollect this, that silence upon the subject is not a renunciation of prior acknowledged rights. It is not incumbent upon me, who insist upon these rights continuing, to point out any express reservation of them; they would of course continue unless there was an express renunciation of them. But those who are to establish that proposition, that he was rendered independent or actually exempted, must, on their part, show something which expressly makes him so. The proposition that I contend for is simply this—that, upon these points of independence and of his general duties as a subject, he remained exactly *in statu quo*, and that by no

No part of its rights renounced by the Company.

29 Feb. 1792.

part of this contract was there anything done to renounce it. That would be quite enough for me to insist upon. We contend for the continuance of these obligations.

Express reservation to the Company of rights of sovereignty.

My Lords, I shall go further and show a clear, an unequivocal, an express reservation of them! It is not necessary for me to do that, but I will point it out. In the new contract that was made there appeared clearly to be two distinct objects; the one respecting his internal government—and upon that subject it undoubtedly was the object of Mr. Hastings, who had been, as your Lordships will find, the constant friend of this family—it had been the wish of Mr. Hastings, originally, before the country was acquired, to make him wholly independent. He failed in that: the sovereignty was given to us. After that object had failed, the next object that he had in view was, consistently with the sovereignty of the country, to give him a very considerable degree of power and authority in the internal government of his country; to exonerate him from those little troublesome interferences by his former sovereign in little articles of no great amount; to invest him with high and splendid privileges, which had never been enjoyed by him before, namely, the kotwali and the mint—that is, the administration of justice, and the right to coin money within the zamindary; and, with that object before him, he desires to exonerate him entirely from every interference in the internal government of his country, in the collection of the revenues, and in the administration of justice in it; to deliver up the zamindary to his entire care and trust, with a fixed rent, and with the entire management of it internally. That was the great object of the new contract proposed by Mr. Hastings.

Object of Mr. Hastings to increase Cheyt Sing's authority;

but to maintain sovereign power over him.

But there was also another object, just as broadly manifested throughout the whole of it, and as visible to anybody that reads the whole, namely, that, consistently with that, we should retain the sovereignty over him; that is expressed in the most positive terms; and, to prevent any idea arising from this enlargement of his internal authority within his zamindary, in the mind of an aspiring zamindar—to prevent any idea in the country, or in any body that should look at his situation, that he ceased to be a subject and a zamindar—that, with all the accumulation of power and authority given him, yet that great obligation of the tenure which remained before was to continue the same, and that he was completely and distinctly to understand that

29 Feb. 1792. we were the sovereigns, and invested with all the rights of sovereigns, over his zamindary. I think, when these two great objects are attended to, and when all the documents that form the contracts are read, your Lordships will have no difficulty at all in forming a clear explanation of every word that is used, either by Mr. Hastings, or on the part of any of the Council, on the subject, throughout the whole of this discussion.

The subject considered at several meetings.

Settlement of the revenue.

The subject was under consideration at several different meetings. Upon the 12th of June, 1775, the plan was proposed—the settlement for the ordinary revenue; that is, as I conceive it will distinctly appear when all the propositions are looked at, that which related to his internal government, and to the ordinary revenue of the peace establishment. That was contained in five distinct propositions from Mr. Hastings as the plan of settlement. It is in page 53 of the printed Evidence. These propositions were taken into consideration on the 5th of July following. The considerations are in page 55. Some parts of them were also reconsidered upon the 16th of August ensuing. That is not given in evidence. They also came before the Board upon the 24th of August, when instructions were given to Mr. Fowke, who was sent up as the first Resident to this place, for the purpose of ascertaining the value of certain duties on many of the articles I have stated, in order that they might be appreciated, and a sum fixed which he was annually to pay for them. The instructions your Lordships will find in page 57. Mr. Hastings' letter to Cheyt Sing is in the printed Evidence, page 59.

The subject came again under consideration, in part, upon the 13th of December, 1775; and it appears also to be again agitated upon the 15th of April, 1776, which is in the printed Evidence, page 70, and upon the 29th of July, 1776, which is in the printed Evidence, page 72. It commenced, therefore, upon the 12th of June, 1775, and was, in different shapes and upon different occasions, the subject of deliberation for more than a twelvemonth. The cause of that was, in part, a desire to fix these little articles of revenue and to reduce them to a stipulated sum, and also a circumstance that happened with respect to the sanads, that is, the instruments of investiture. A part of them were carried up by Mr. Fowke when he went up in August, 1775. The subject of the regrant of the kotwali and of the mint had not been then settled, and, therefore, it created a necessity for postponing

The sanads, or instruments of investiture.

those sanads. Upon the 15th of April, 1776, they were all of them sent up; but the Raja, Cheyt Sing, objected to particular expressions in them;—and it is not immaterial to observe he objected to the word mulchulsy, I think; he objected to the clause that was to make former sanads void; he objected to a word expressing the plural instead of the singular. There were a number of comments upon them; in consequence of that a fresh set of instruments was sent up in July, 1776. The final contract, therefore, with him is contained in these sanads. And, my Lords, any sort of difficulty in discovering what ultimately were the sanads is removed by an observation which was made by an honourable and learned Manager on this subject, in conducting the evidence, who stated very candidly and very properly—what nobody could, indeed, entertain any doubt about—that there is no difficulty in ascertaining the sanads, for though the sanads sent up in July, 1776, do not appear upon the record, yet, comparing the sanads of that day with these voted in 1776, there is no difficulty in knowing what the actual sanads were. Here, then, we have a great deal of premises before the contract; but we have also the instructions given to Mr. Fowke to communicate to the Raja, at the time he communicated to him the contract; and we have a letter of Raja Cheyt Sing's. 29 Feb. 1792.

Manner of representing the contract in the Article.

I proceed now to consider in what way this contract is represented in the Article. Your Lordships will recollect that this is the subject of the 11th, 12th and 13th, paragraphs in the Article. The first observation that I have to make upon this is, that all the remaining part of this Article, which represents the nature of the last contract—the most important contract of all—all the words that are represented as constituting this contract, are to be found in the propositions of the 12th of June, 1775, and nowhere else. Those words, upon which the whole argument is rested, upon which all is built, are in the proposition of an intended plan of settlement of the 12th of June, 1775, but are not to be found in the subsequent consultations, and are not, one single syllable of them, in the contract itself; so that, in order to ascertain what is the contract made with this person, we are to look at something that was intended to be the contract at one time, and not to look at what was at last the contract. Now, it should seem to me rather material, when we are to rely upon the expression that "no more demands should be made

Difference between the propositions of the 12th June and the contract.

29 Feb. 1792. upon him of any kind," and so on—I should think it rather material to quote the words made use of in the contract itself, not what passed at any time antecedent to the contract, much less what fell from one of the parties to that contract, much less what was never communicated to the other party—what was the idea at one time of one person or of one party to the contract, and not what was the final contract made with this man or the assurances ultimately made to him. I should rather think that that is the way of attaining the plain sense and meaning of the contract.

Partial character of the extracts from the propositions given in the Article.

In the next place, let us see what are those extracts from these propositions—for they are only extracts. Certain words and expressions scattered in different parts of these propositions are picked out; and it is a very remarkable circumstance that it should so happen that all the expressions that are picked out are such as tend to raise the idea of this man's independence and importance, and all the expressions that qualify and explain those words and that show them not to have the sense of giving him independence should all be left behind! That is a singular circumstance, that none should be thought material to be extracted though they are in the very same sentence of the same documents! All those words that qualify it and that remove any possible doubt are left behind and not quoted at all!

Your Lordships observe that the great argument is upon independence. The first part of the Article states—

Extract from the Article.

"That the said Warren Hastings did lay before the Council several propositions, for the purpose of carrying into effect the intentions of the Board to render the said Rajah more independent, to prevent him from being reduced to what he, the said Warren Hastings, calls the mean and depraved state of a mere zemindar, and to raise him to a situation of power and dignity unknown to any of his ancestors; that in order to carry the said intentioni into execution the said Warren Hastings did *inter alia* specially propose and, with the approbation of his Council, did actually convey to Cheit Sing the actual power of executing criminal justice, and of coining money within his dominions,"—

Now I beg your Lordships to attend to the words that follow—

"which powers in that country have always been considered as marks of sovereignty; and did further propose, that, whilst the Rajah should continue faithful to his engagements and punctual in his payments and should pay due obedience to the British Government, no more demands should be made upon him by the East India Company of any kind, nor, on any pretence whatsoever, should any person be allowed to interfere with his authority or disturb the peace of his country."

Then it states that the proposition was directed to be communicated by Mr. Fowke; and then it goes on with a large quotation of the comment made by Mr. Hastings upon one of the propositions that he made— 29 FEB. 1792.

"Which voluntary restraint was proposed by the said Warren Hastings and laid by the Government upon its own actions, in order, among other purposes, to inspire the Rajah with the greatest confidence, without which he, the said Rajah, would expect from every change of Government additional demands to be made upon him, and would, of course, descend to all the arts of intrigue and concealment practised by other dependent Rajahs, and because by proper encouragement he would prove a powerful ally and be a useful barrier to the East India Company; but that he would be neither the one nor the other if the conditions of his connection with the Company were left open to future variations."

It then goes on, in the next part of it, to quote the proposition that respected the cavalry, which is made the ground of a material allegation against Mr. Hastings, in the course of this business—

"That he did propose to his Council that Rajah Cheit Sing should engage to maintain in constant pay a body of two thousand cavalry, for which the Company were to pay after the rate of fifteen rupees, per month, for each private man, and, in proportion, for the officers, so long as they should continue in the service of the Company; that the said Warren Hastings then declared it was far from his intention to propose that or any other article to be imposed upon the said Rajah by compulsion, and the Board did finally resolve only to recommend it."

And then it concludes with this general proposition, as a corollary from the whole—

"That, by these and various other acts, agreements, treaties or stipulations, the said Rajah Cheit Sing was, under the authority of the East India Company, fully confirmed and secured in the free and uncontrolled authority in the regulation and government of his zemindary, subject to no demand, of any sort or kind or upon any pretence whatsoever, over and above the payment of the rent or tribute stipulated to be by him paid."

The quotations in the Article extracted from the Propositions.

These are the quotations extracted from the propositions; and I have read them in order that I might not be supposed to misstate them. Here we have the propositions themselves from whence this is extracted; and your Lordships will see how far the context justifies the extract. The first quotation is collected from, I think, three different sentences; half of each is taken and put together into one sentence. They are taken from the observation upon the first proposition, that is, the intention to render the Raja more independent. The next words are to be found at the end of the obser-

29 Feb. 1792. vation, with a considerable intervening sentence. The next part is taken from an observation upon the second proposition. So that these are extracts from three distinct parts of these propositions of Mr. Hastings.

Now, let us see whether it was the object and intention of Mr. Hastings to render this man independent. Mr. Hastings begins his proposition thus—

Actual words of the Propositions.

*"The sovereignty of the zemindary of Benares and its dependants having been ceded in perpetuity to the honourable Company by the 5th Article, it becomes necessary to determine in what manner the right shall be exercised and the regular payment of the revenue due from the Rajah secured;"

And then he states—"that the plan of settlement" which he proposes was—

"To be without any encroachments on the just rights of the Rajah or the engagements actually subsisting with him."

And it appears that Mr. Hastings proceeded upon this idea, not to interfere with the subsisting contract; for he states, with respect to all the five propositions, that it is not his intention to impose any one by compulsion upon the Raja; but, as they were all alterations for his benefit, he imagined he would have no objection.

Object in making the rent payable at Patna.

The words "made independent" occur in the observations upon the first proposition that respects his rent; and he there states his object to be that the rent should not be paid at Benares, but should be paid at Patna; and his reason for that, he says, is, because it would not frustrate the intentions of the Board of rendering the Raja independent; and he goes on to state why it would not: if a Resident was appointed there, he says, his opinion was that the consequence would be that he would immediately interfere in the management of his country; that would produce appeals to the Company, and, in the end, it would reduce him to "the mean and depraved state of a mere zamindar."

Nature of independence spoken of.

I should be glad to ask, whether anybody, in reading that altogether, would not immediately perceive that the independence Mr. Hastings is speaking of is that sort of independence that I at first stated, namely, to prevent any interference in the internal government of his country, because that was the only sort of subject with which a Resident stationed there was likely to interfere? But, if there could

* Minute of Mr. Hastings, submitted to the Council of Bengal, 12th June, 1775.—Printed in the "Minutes of the Evidence," p. 53.

be any doubt upon the subject, the next proposition is this,— 29 Feb. 1792.

Second Proposition.

"That the Raja shall be empowered to exercise a complete and uncontrolled authority over his zemindary, under the acknowledged sovereignty of the Honourable Company."

These words, which qualify and explain what sort of authority was to be given him, are wholly left out. It goes on and states in what he was to have a complete uncontrolled authority over his zemindary, namely, in the government of the country dependent on him, in the collection of the revenues and in the administration of justice; but it is all to be under the acknowledged sovereignty of the Company. Therefore, I think, that, on the reading the whole of these propositions, there could be no doubt at all but that the object of Mr. Hastings was, as I have stated, to exonerate him from internal controul, and to leave the general authority over him untouched.

Intention to remove internal control.

Now we come to those words that are quoted as badges of sovereignty, and that they were so considered by the Company. From whence it should seem as if it was meant to be represented that it was the intention of the Board, in giving him these powers, to give him badges of sovereignty; and that they must have been so considered by the person who proposed to give them and by the Raja himself. Your Lordships will please to attend to the passage from whence that is taken, where it will be seen that the very idea that is here suggested was anticipated and obviated by the very passage from whence it was taken.

Grant of certain prerogatives.

Mr. Hastings proposes,—

"That sanads be granted to the Rajah [specially conferring upon him the power of appointing officers to the charge of the cutwally and the mint of Benares; the latter to be subject to such orders and regulations as the Governor General and Council shall at any time think proper to decree."

Observation.—"These offices have been considered as marks of sovereignty; at least this has served for the pretext to withhold them from the possession of the Rajah, to whom they have been a heavy grievance, the cutwally especially, which, being held in turn and executed under the authority of a prince who had no interest in the welfare or ease of his people, has always been represented, as in its obvious tendency it could scarce fail to prove, a source of the worst corruption and oppression, from which there was no appeal. If there be any weight in the plea for reserving these prerogatives to the Company, the grant of them to the Rajah himself by special sanads will be a sufficient expression of their sovereignty, although the solemn renunciation of it already made by the Nawab of Oude is the best and most valid charter under which it can be claimed; and, while they have three brigades and a full treasury

29 FEB. 1792. to assert it, there is no fear that their right to it will be opposed by reasonings drawn from implied symbols of dominion."

The idea of conveyance of sovereignty disowned in the proposition.

This is the manner in which the person who proposes this speaks of these "symbols of dominion;" expressly obviating the idea which is conveyed by the extract given in the Article, and showing, beyond all possibility of doubt, that his idea was not, when he meant to grant it, to make him a sovereign; but he states that such an erroneous conception could not possibly be formed by anybody, when made matter of express grant, when we have the complete sovereignty given us, and when we have authority sufficient to assert that sovereignty. And yet, leaving out the whole context which explains it, we have the extract taken—"which powers are considered in that country as marks of sovereignty!" What signifies how they are considered in general; could they be so considered by anybody in this particular instance? Were they so considered by Mr. Hastings? Could they be so considered by the Raja? What! when you are expressly telling him that it was to be under the acknowledged sovereignty of the Company that he was to have all his authority, could he be led into the mistaken notion that he was a sovereign or had marks of sovereignty? But what an idle supposition is this! Do not we know that prerogatives may be given in any country: such as are communicable may be granted without meaning to give any sovereignty at all. They are badges of sovereignty; but in whom are they badges of sovereignty? In the person that grants, not in the person that receives. They are badges of sovereignty when enjoyed by the inherent power of the person himself, but, when a person derives them as matter of express grant from another, then they are only badges of sovereignty of that other person who makes them matters of special grant.

The grant of prerogatives a proof of sovereignty in the grantor.

Case of Earl of Chester or Bishop of Durham.

The same may as well be said of the Earl of Chester, formerly, or the Bishop of Durham, at present, who has *regalem potestatem in omnibus*, who has *jura regalia.* They may give him a considerable power and authority over his country—undoubtedly they do; but they cannot be considered as badges of sovereignty, given under such circumstances. But it is really astonishing how these words could be taken out and presented to your Lordships in this way, in this Article, when you look at what were the actual communications to the Raja upon this subject by the very documents that are here quoted, namely, the instructions given

Terms of actual communications to the Raja.

to Mr. Fowke, and when you look at the letter written by Mr. Hastings to the Raja himself, and the sanads that are granted upon this subject. I shall have occasion to quote them presently; and I only beg your Lordships will be pleased to bear in your memory what is this extract, and what is stated with respect to their being considered as marks of sovereignty, when I come to state what was the actual communication to the Raja upon this subject. 29 FEB. 1792.

We have had a great deal of argument upon the proposition respecting the cavalry; and it is supposed that, by that proposition, Mr. Hastings intended to preclude himself and the British nation from any right to call upon Cheyt Sing for assistance in time of war, or to call for cavalry. Now it does appear to me, on reading the proposition, that it affords no such inference at all, and that the mistake upon that subject is this. The proposition respects an obligation to be imposed on the Raja to keep up cavalry—to keep up a standing force, in time of peace, upon a permanent establishment. It has nothing to do with the right to call upon him for such force as he actually had in his service. And these are two very distinct propositions. A man may be bound to assist with what force he actually has, and yet there is no obligation upon him as a subject generally to keep up permanently a standing force. If any such obligation had been imposed upon him, that would have been an encroachment upon the rights of the Raja, because before that time he was not bound to keep up any express force—certainly, not in the manner that was here proposed to be done: and the confusion between these two points has introduced all the erroneous conclusions upon this subject, and when that proposition comes to be read there will be no doubt at all.

Proposition respecting the cavalry.

Not intended to preclude the right of requiring assistance.

Distinction between general duty of assistance and obligation to keep a standing force.

The proposition is this:—

"That, in return for these concessions, and for the performance of his duty as a vassal to the Company, the Rajah shall engage to maintain in constant pay, and ready at all times for immediate service, a body of two thousand horse, on such an establishment as shall be prescribed by the Governor-General and Council [and that, whenever the service of this corps shall be required by the Governor General and Council, it shall be consigned to the command of such officer or officers as they shall appoint,] and be allowed from the Company an additional pay or gratuity of fifteen rupees a month, for each private man, and in proportion for the officers of such corps, during the time of such service."

Terms of the proposition.

It is clear that this respected a proposition to keep up, in constant pay and ready at all times for immediate service, a

The duty of assisting with the

29 Feb. 1792. body of cavalry. Now, does not that plainly imply that he would be under an obligation, for the performance of his duty as a vassal to the Company, to yield his assistance with those troops? "You are not bound to keep them up, but, if you do keep them up, we have a right to have them." This proposition does not affect to make that obligation upon him—that besides keeping them up he should be bound to assist us with them: that is taken for granted. The question merely was, whether he should be bound to keep them up. Nobody dreamed of the idea that, if he did keep them up, we should not be intitled to them; so that, so far from negativing the right, these words seem to be assuming the right, and taking for granted that, if he did keep up any force, he would be bound, in performing his duty as a vassal to the Company, to yield us that force.

Cavalry inseparable from the obligation to maintain them.

Remarkable omission in the Article of words of the proposition.

It is very remarkable how it should happen here that the Article which refers to this proposition should leave out those words, which are the most important of all—that is, the words "for the performance of his duty as a vassal to the Company"—those words which are so important to negative the idea that this proposition was meant to grant to him any absolute right. It is a singular circumstance that we should go on both sides of these words, that we should have part of the sentence before and of the sentence after, and yet leave out those important words between, namely, "for the performance of his duty as a vassal to the Company." I should have thought it rather material to have inserted these words than to have left them out, in order to obviate any chance of our being deceived into an idea that he was not a vassal but intended to be rendered independent, and that this very proposition was to renounce his liability or duty to afford military service.

Other omissions.

Another thing, too, is remarkable, as to the inaccuracy of this paragraph 12. These words are left out too—"that they were to be ready at all times for immediate service, and in constant pay." That shows what the sort of thing meant to be proposed to him was—that he was to keep them at all times ready for immediate service; and, in the words afterwards, "additional pay," the word "additional" is struck out, and the proposition stands—"were to pay after the rate of fifteen rupees." Now, that does not appear to me to be an immaterial or merely a critical observation, because it does vary it—whether the Raja was to pay them or we to afford additional pay. It was not proposed that he should

not pay them; it was only that an additional sum should be paid him, in consideration of his keeping them up at all times. 29 FEB. 1729.

Discussion of the propositions.

In the discussion of these propositions afterwards, upon the 5th of July, your Lordships will see that the only argument upon this proposition was, whether we should make this a permanent impost upon him. They say,—"If you do it, you will subject him to an annual increased expense, which you ought not to put upon him." That was the objection. Mr. Francis says,—

Confined to the question of permanence of the impost.

"I object to your compelling the Raja to keep up an extra force for your service; considering it as, in effect, an increase of tribute, which is contrary to the principles that have guided my judgment from the first outset of this negotiation. I have no objection, however, to its being made an article of agreement with him, that he should either put the troops he now keeps upon a better footing in point of discipline, or disband them and raise an equal number in their stead."

What signifies his putting them upon a good footing, if it is to be left at the option of the Raja whether he is to give us the assistance of these troops or not, but no obligation is to be imposed upon him?

Mr. Barwell says,—

"I am of the same opinion with Mr. Francis; considering it as an enhancement of his tribute."

Which it certainly would have been, if he was under a constant expense in doing it.

Colonel Monson says,—

"I am of opinion the Company should have received the Rajah's assistance upon the same terms that he gave it to the Nabob."

General Clavering says,—

"I understand that the Rajah does keep up a large body of cavalry, and that five hundred of those which assisted under the command of [the captain of the Governor's guards in the conquest of the Rohilla country, were absolutely useless, by their total want of discipline when they took the field, but improved during the campaign.] I would not compel the Rajah to keep up any troops, but I would recommend it to him to maintain the number which the Governor General has proposed for his and our assistance; and, as the country of Bahar is open, where cavalry may always act with great advantage, and as the Company does not maintain any, I think it should be recommended to the Rajah to appoint some British officers to discipline and command his troops, by means of which great benefit may be derived from them in case of a war with the Marattas."*

* Printed in the "Minutes of the Evidence," p. 56.

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General understanding that the troops were for the service of the Company.

Therefore, I think, it is clearly shown, in the language of all of them, that nobody had an idea but that whatever troops he had we should be, of course, intitled to have them. I admit it does not go one step further. And, whether we were to have them as matter of new contract with him, or to have them by virtue of the obligation upon him as a subject, it is enough for me to say that it does not afford any inference, on their part, that it was an idea, by this proposition, to relinquish the subsisting right. And that is all I am contending for.

Proposition that no further demands shall be laid upon him.

The last proposition is the one upon which so much stress has been laid, and from whence the words are quoted in the Article—that no more demands, of any kind or upon any pretence whatsoever, shall be imposed upon him. The proposition and the comment upon it are quoted at full length. I have read them, and will not repeat them. The sense that is [to be] put upon these words, as coupled with the context and the general object of the plan, must be—demands *ejusdem generis*—demands such as, if made, would interfere with the internal government of his country; for it is said,—

"While he shall continue faithful and punctual in his payments, and shall pay due obedience to the authority of this Government, no more demands shall be made upon him by the honourable Company of any kind; nor, on any pretence whatever, shall any person be allowed to interfere with his authority or disturb the peace of his country."

The demands in view such as interfered with internal controul of the province.

I say, taking the whole together, inasmuch as it is clear that they meant to maintain the sovereignty over him, as it is clear that he was to remain a vassal, when we superadd this last proposition speaking of exemption from demands, I think it is clear to any body that reads it that the demands there spoken of must mean those various little demands which, if made, would interfere with the internal management of his country; such as we know existed, which were troublesome, and which would interfere with the authority of the Raja. But I will not dwell upon that subject, because, if this expression is equivocal at all and leaves it doubtful, what passed afterwards puts it out of all doubt. The comment by Mr. Hastings upon this proposition shows that it was his idea, that, unless such an assurance was given, the Raja would be liable to further demands; because the words are,—"the voluntary restraint imposed by the Government upon its own action."

Cheyt Sing remained

The inference that I make, therefore, is, that the idea

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Mr. Hastings had upon this subject at that time was, that the mere circumstance of the rent being fixed did not preclude the Government from making further demands; whatever sense you will put upon the word "demands," that he was not precluded from them by the rent being fixed; for he promises not to encroach upon the rights of the Raja, and yet states this as an assurance which was to be given him; without which it is clear, in the understanding of Mr. Hastings, that he would be liable to further demands. Then, if I actually show your Lordships that no such assurance as is here stated ever was given him, I trust I satisfy your Lordships, not only that he was liable to further demands, but that he was so liable in the opinion of Mr. Hastings, and that, so far from its being declared that he was absolutely exempted from all other demands, it establishes directly the contrary, supposing this ever was communicated to him.

liable to the demands.

If they would have looked at the subsequent proposition, if they would have read what actually was communicated, and what was the final agreement with him, they would find that this proposition never was actually notified to the Raja; that all the communication ever given to the Raja was merely to assure him that his rent or tribute should remain fixed; and it was intended to comprehend in that all the little duties which are appreciated and made matter of express contract with him; but, with respect to all the general obligations as a subject, and all the rights of the Company as a sovereign, when you come to see the words, it is astonishing how there could have been the least doubt entertained upon this subject.

Proof from the terms of the actual agreement.

The instructions given to Mr. Fowke are in page 57:—

Instructions to Mr. Fowke.

"On your arrival at Benares you will wait on Rajah Cheit Sing, and present him with the sunnuds which will be entrusted with you for that purpose."

Now, what is the first communication to this man who is to be made independent; having first notified to him the sovereignty of the Company over all the territories of his zamindary, and received from him, on account of the Company and in their name, a nazrana, or acknowledgment of his vassalage, which we fix at 10,000 rupees? The first thing to be notified, then, is our sovereignty. The first thing to be done by him is the acknowledgment of our sovereignty. And, in order to make that notorious to all the country—in order that nobody might get the erroneous idea that he was meant to be a sovereign,—

Notification of sovereignty of the Company.

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"You will then require him to publish this fact, by proclamation, through the country, and invest him with the khilat."

Proclamation of his authority.

So that here he was himself to proclaim his situation to the whole country, and to undeceive them, if there could be any deception entertained upon the subject of the increased power which he was to have—"You are yourself to acknowledge our sovereignty by an unequivocal act. You, who are the man interested to dispute it—if it could be disputed—you shall yourself notify to the whole country that you are not a sovereign, but that the Company are the sovereigns and that you are our vassal."

It then goes on,—

A fixed rent.

"It will be proper to assure the Rajah that we do not mean to increase his tribute, but to require from him the exact sum, and in the same species of rupees, to be paid at Benares, as he paid to Sujah Dowlah, by equal monthly kists; that, under the acknowledged sovereignty of the Company, we are determined to leave him the free and uncontrolled management of the internal government of his country and the collection and regulation of the revenues, so long as he adheres to the terms of his engagements, and will never demand any augmentation of the annual tribute which may be fixed."*

Can words be more express and clear than those are to fix what is the assurance given him—that his rent or tribute, which are synonymous, by the admission of the prosecutor himself, should not be increased;—"we give you no other assurance than that; you are to have all the internal power of the country, but you are to remain subject to the Company?"

Here is a letter of Mr. Hastings:—

Reserve of sovereignty.

"The Board have, therefore, thought proper to depute Mr. Francis Fowke, on their behalf [to take possession of these territories; but, being willing to continue the grant of the zemindarry to you in as full and ample a manner as you possessed it from the former sovereigns, and upon the same terms] I have delivered to the charge of Mr. Fowke a sunnud in the name of the Company, together with a khelaat, with which he is empowered to invest you in due form; reserving, however, to the Company the sovereignty of the country, to the full extent that it was or might have been held by the late or present Soubahdar of Oude."

Omitted in the Article.

Now, there is not a syllable of this which is communicated [quoted in the Article], but all that was proposed before and never was communicated—that is quoted. This, which puts it out of all doubt that he was to remain a subject and we to remain *pleno jure* his sovereigns, is omitted; and yet we are

* Intructions from the Governor and Council of Bengal to Mr. Francis Fowke, 24th August, 1775.—Printed in the "Minutes of the Evidence," p. 57.

now told that these were "badges of sovereignty" that were given him, and that it was the intention of the Board to render him more independent. Surely it was necessary to have engrafted these words in the documents that were actually communicated to him, because it might be very apt at least to deceive a careless reader—not that it would have deceived any of your Lordships, I am sure, because you would have looked carefully at the documents themselves—but it surely was necessary to have introduced those words, which explicitly, and without all doubt, convey the idea of what was intended by the new contract. 29 Feb. 1792.

It then states,—

"Upon occasion of this investment, that after paying [a nuzzerranna for the Company, which I have fixed at 10,000 rupees] it is necessary that you take an oath of fealty or allegiance to the Company, by which you are to understand that, on forming any alliance with a foreign prince, or acting in any manner contrary to the fidelity which you have thus sworn to maintain to the Company, your zemindarry with all the rights and privileges granted to you by the Company will become forfeited; and it will be proper that a public proclamation should be made of those transactions, that the natives as well as Europeans may be fully informed of the grant made to you, with the reservation of the rights of sovereignty to the Company." Oath of allegiance.

Good God! my Lords, can there possibly be words more clear to exclude all possible doubt, if people would read them? But, if we are to have quotations of the propositions that preceded and made no part of the contract and never were executed at all, if we are to have bits and scraps taken from the antecedent propositions, and not to have the documents themselves that formed the contract—not to have the assurance given to the Raja himself, and the words of it which exclude all possible doubt—I do not wonder that very considerable mistakes should arise, in reasoning upon the rights and in judging upon the conduct of a person so circumstanced. The sanads themselves are in the 70th page. I certainly shall not trouble your Lordships with going through them fully; they are particularly commented upon, and your Lordships will find them fully explained, in the 111th page of the printed Evidence, in the Narrative by Mr. Hastings.

The sanad begins thus:—

"Be it known to all the Mulsuddies, &c., that whereas, by virtue of a treaty with the Nabob concluded"—so and so—"the government and sovereignty of the sircars above mentioned has been ceded to the Honourable East India Company." Then it goes on to say—"the East India Company, in virtue of the rights above contained, do confirm to The sanad.

29 Feb. 1792. Cheit Sing the zemindary, aumeen, and foujdarry, with the cutwallys,"—and then it goes on to regard him as—"lawfully possessed of the zemindary."

Exemption from liabilities as a subject not conveyed by the sanads.

And, in these sanads, all the duties that are given up to him—the mint, the kotwali, and everything that was made matter of contract—are expressly stated; but there is not a single syllable in the contract, from the beginning to the end, of any assurance given him that no after demands should be made upon him, or that he should be exempt from all the general liabilities of a subject.*

Misquotation from the propositions.

It seemed to me to be a little extraordinary—perhaps it may seem a minute observation—that, besides quoting, in the manner I have stated, extracts from these propositions, when they come to sum up all and to state what is the final conclusion of these twelve preceding paragraphs, they should insert there only the words of the proposition of the 12th of June, and not even cite them correctly; because they have there, in order to help out the argument, stated the words thus—"subject to no demand of any sort or kind;"—that was pretty strong, but, however, to make it more so [they add] "or upon any pretence whatsoever." These words belong to another sentence, because your Lordships see just before—"that no more demands shall be made upon him of any kind; nor upon any pretence whatsoever, shall any person interfere with the authority of his country;" but they have taken these words, which are the beginning of another sentence, and have tacked them on at the end of the first sentence. "We will add to that—'or upon any pretence whatsoever.'" That may strengthen the argument a little, to be sure; but unfortunately, neither in the proposition, in the words that you quote it, in part or in the rest, are there any such words to be found, in any document or in anything that ever was communicated to the Raja!

Recapitulation.

I have, I apprehend, in the most clear and unequivocal manner, ascertained that the Company continued the sovereignty; that this person was a vassal; that he acknowledged his vassalage; that he took an oath of fealty and allegiance to the Company; that the Company were to have the sovereignty to the full extent that Suja-ud-Dowla had it; that the only assurance given to him was, that his rent should not be raised. They are then now to argue that, this being the

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* See "Translation of the Sunnud granted to Rajah Cheyt Sing, for the Zemindarry of Gauzipore, &c."—Printed in the "Minutes of the Evidence," p. 70.

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state of the contract, it was intended to render him independent; or, if not independent, to exempt him from the obligation as a subject to assist his sovereign in a time of war.

No grounds for inferring surrender of sovereignty.

Now, is it possible to draw that conclusion? Where there is an assurance to fix his rent, that has an obvious, a clear and a definite, meaning. Are you to extend that to comprehend a duty that it does not naturally import, and, where there are words excluding any such idea, are you to suppose that they mean to give up the sovereignty, when they have expressly reserved it, or that they mean to give up the most important right of sovereignty, which, if it can be separated at all, it is necessary it should be expressed in strong and unequivocal language? I have endeavoured to argue that, if the sovereignty remained, this right could not be separated; but nobody can argue that, if it can be separated, it can be otherwise separated than by express words. It cannot be separated by any implication. They are not to construe away the most important rights of sovereignty by implication, much less by that which is not a definite implication, and which applies to another and a distinct subject. Nobody will argue in that way; and least of all will they argue that, when they find that the rent was fixed before, and that the duties, notwithstanding that, existed before. Then, I think, I have a right to say that this left us to the full extent the enjoyment of the sovereignty, as it ever had been before.

Natural duty of sovereign to protect, and of subject to co-operate.

My Lords, could it possibly be intended, between the sovereign and the possessor of a frontier country, the most opulent, flourishing, province belonging to the empire, that the sovereign should be bound to protect him—without any express obligation, by the by, inserted in any of the contracts? Why, we want to protect him for our own interest and because he is our subject. The general duty upon the sovereign for protection, and the general duty of the subject to co-operate in the protection of himself and all the empire, in both instances, attach, not as an express stipulation, but as matter of implied obligation. We are to remain liable to protect him if this frontier country should be invaded by the Mahrattas; and, if we are bound to go out into the field to protect his country, is he, though he should have all his troops fresh and in full order for battle, to be at liberty either to co-operate with us or not—to defend himself or not? And will anybody argue that, if he is bound to defend Benares, he is not bound to

Duty of co-operation extended to

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the whole province.

defend Bengal? Why, he defends Benares when he defends Bengal. Can a subject be bound to defend one part of the empire and not the rest? It is absurd and ridiculous in the extreme to state it. Another person might with the same reason say—"I will defend my own garden, my own house;"—but the limbs cannot withdraw themselves from the body in that sort of way. If you are bound to maintain an inch of ground, you are bound to maintain the whole; for upon exactly the same principle does the object attach upon the whole. The idea is ridiculous and nugatory in the extreme. Those gentlemen who constituted the Government would have been traitors if they had abandoned this right, if they had voluntarily, gratuitously, unsolicited, without debate, without argument upon the subject, without a word expressed in the contract, meant to give up this right, in a frontier country, which was most capable of co-operating in the public defence; taking upon the Company and upon the British nation the burthen to protect and yet to emancipate this man, without its being asked for—to abdicate the sovereignty without any compensation; leaving the rent remaining just as it did before, and a rent which was not one half the value of the zamindary—a rent of 23 lacs, when the whole produce was above 50; giving up this most important and unalienable right of sovereignty to him, remaining ourselves liable. I say, nothing but the most clear, express and unequivocal, language could induce your Lordships to cast upon these gentlemen who then constituted the Government so libellous an imputation, so base a desertion of their trust, that, after the laborious manner in which we had obtained the sovereignty, they should instantly abandon the most important right of it. They must have been drivellers as well as traitors if they had conducted themselves in this manner. But they did not do it! There are no words to imply it; and I hope your Lordships will not by implication suppose they ever meant to do it.

No power in the Government to abdicate the sovereignty.

Answer to objection of incompatibility of undefined demands with a fixed rent.

My Lords, we have heard a very extraordinary argument upon this subject. It is this:—If he was to be liable to the demands of assistance, what is the use of fixing his rent? If you can one day demand so much for rent, and the next day can demand so much for assistance, what is the use of fixing the rent, when he is liable in another shape to pay a sum of money for assistance? With respect to the rent, I beg leave to ask whether it is not of some use that a man should hold

a very valuable country with a fixed, invariable, rent, though he is also liable to co-operate in the defence of the country, in common with all the rest of the subjects? I rather think that nobody would be disposed to answer this question by saying it would be of no use to have a country that produced 500,000*l.* a year paying only 230,000*l.* I dare say nobody would have any sort of objection, notwithstanding the general liability attaching, to have a country with a certainty that his rent would never be increased beyond the sum of 230,000*l.*, and that all the other 270,000*l.* would be freely enjoyed by him; and that only on emergencies, only in time of war and difficulty, would he be liable, in common with everybody else, to defend his own estate like any other man. Is there no use in that? What is the use of enjoying an estate in this country where you are liable to taxes? Why, a very good use, having a good estate, if you pay one half of it in taxes. I should consider it of great use to have a considerable estate, paying a fixed rent for it, though I should be liable, *ultra* and beyond that, to obey the demands of the state. The fallacy is in this:—put the case that the lands belonged to another person who was not sovereign—for instance, if it belonged to any person in the country to whom that rent was to be payable as a quit rent, chief rent, or in any other character—would the fixing his rent preclude the sovereign from calling upon that person for assistance? If it would not, what signifies the union of characters in the person of the sovereign? He has united in him a right to call upon you for rent, as the landlord and owner of it; he has a right, as sovereign, in another character, to call upon you for assistance in time of war. The two characters are united, but the rights are as distinct as if they belonged to different persons. Therefore, considering this contract in every point of view, from every thing that passed from the beginning to the end, there can be no doubt but that it was the intention of all the parties in it to reserve this right.

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Case of liabilities on an estate.

I have detained your Lordships at a very considerable length upon this subject; but it did appear to me to be important to be settled as a preliminary, before we go into the consideration of the particular charges, because your Lordships will, by and by, find that the whole is founded upon the question of right. If it is once admitted that we had a right to call upon him for his assistance, then we shall be free to inquire upon what ground malice is imputed for the exercise of that right. Your Lordships will see in what manner

The case a question of right.

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Rebellious conduct of Cheyt Sing.

Cheyt Sing conducted himself when we exercised the right; how he shuffled and evaded from the beginning; how he proceeded in evasion, disaffection, disobedience, contumacy, and at last broke out into an open, a bloody and a ferocious, rebellion. I shall state to your Lordships how the conduct of this man is represented in a paragraph that I shall, by and by, call your Lordships' attention to—which, I believe, everybody will be astonished at when they come to see it and compare it with the materials from which it is composed—representing the conduct of the favourite hero of this charge, who, your Lordships will find, was a rebel in his heart; who became openly and publicly a notorious rebel; who endangered the British empire at a most important period of it. This your Lordships will find to be the real character and conduct of this man, exactly resembling his attachment that we hear of. His attachment was like the attachment of his father; and that idea of attachment is taken up in favour of this native of India, to whom all moral virtue, all perfections under the sun, are to be given, at the same time that Mr. Hastings is to be blackened with every vice, and held up as a monster of tyranny and a person whose "heart is black to the core!" If they will look at the conduct of these men—if they will inquire of any man of the country, what they were—if they will look at the records fairly, and not at parts only—they will find that the attachment of the father and the attachment of the son were exactly the same. They were unfaithful to the Company, treacherous to the sovereign to whom they owed obedience; never, in any one instance, affording us any solid assistance that they could avoid giving; being driven by compulsion to afford us any assistance; enjoying all the favours that the British nation could bestow upon them, having enjoyed, antecedent to the ceding the country to us, the protection of the Company from the year 1764.

His treachery to the Company.

Favours conferred on Cheyt Sing and his father.

What are all the events that have been given an account of, but a history of favours conferred upon them by the British nation? The father was protected and his life saved, in the year 1764 and 1765, and from that period to the time of his death. Of the son, the Article states, his life and his zamindary were no longer safe than while under the protection of the Company. When we acquired the country, great privileges were bestowed upon him—generously and voluntarily bestowed upon him, in order to insure his attachment. What is the result of all this? When we gave him

so valuable and important a country, possessing all the means of serving us, the very first moment we call upon him—the very first time we ever put his attachment to the proof and call upon him to render his service—your Lordships will see the shuffling, evasive and wicked, prevarication of this man, who had just before sworn fidelity to the Company—who had that oath administered to him upon his sword—the most solemn manner in which it could be taken; who had in the clearest manner expressed his strong obligations to the Company. This man, throughout, acted the same double and wavering part that his father had done, keeping up appearances, making a sham of professions; but your Lordships will find, from the beginning to the end, when I come to state the conduct of this man, that he never could be compelled to give one grain of real, substantial, assistance to the British nation in the time of its greatest exigency, but, on the contrary, that his disaffection increased with our difficulties; till, at last, in our greatest distress, this man positively withheld it, and could not be brought, by the urgent, repeated, demands, made upon him, over and over again, to afford the assistance that he was bound to afford! 29 Feb. 1792. Cheyt Sing's disaffection to the Company.

In the meantime, what is the manner in which Mr. Hastings' conduct is looked at? Your Lordships will see upon what grounds malice is imputed to him; that all endeavours used by Mr. Hastings to bring this false man to obedience, to enforce the authority of the Company, to secure the tranquillity of the state, to preserve its important rights in this country, bound as he was to preserve them, the guardian of these rights, and particularly bound to guard against any encroachment upon these rights by a man who approached so near to sovereignty, so near to independency, as this man is represented to have done, [are ascribed to malice: though] it became the more incumbent upon Mr. Hastings to exert all the powers he had to watch and to check this man; for if all the powers and favours lavished upon him did not operate to make him faithful, you must be sure that he was become then formidable in the extreme. It did become then necessary to watch and guard against the conduct of this man, and to check it by every means. If Mr. Hastings had not done that, he would have basely betrayed the most important duties entrusted to him, by abandoning the rights of the Company and suffering this man to obtain what he wished and what his father wished, namely, independency—that which, perhaps, is a natural wish by persons in high situations in that Duty of Mr. Hastings to enforce obedience from him.

29 Feb. 1792. country. And all the power and authority given him seem only to have raised additional hopes and wishes in him to obtain something further.

> "Lifted up so high, I 'sdained submission;
> And thought that one step higher would set me highest."

Cheyt Sing's attempt to throw off the Company's controul.

That is the history of this man's conduct. You will find, from the beginning to the end, that in this way he was tempted to make one bold push at that which his father had aimed at—that he did it by the most savage and bloody means. Human nature shudders at the barbarity with which the war was prosecuted against the India Company; and, notwithstanding that all is buried in oblivion, there is a shade cast over all this man's conduct. Yet, at the very moment when they are entirely silent as to his contumacy and disobediencc throughout the war, all the sham external appearances of this man which were held out to deceive are quoted at length, word for word, and relied upon as if they were marks of sincerc attachments, at the very time the same documents show what was his real conduct!

Conduct charged against Mr. Hastings, antecedent to his visit to Benares.

My Lords, the conduct of Mr. Hastings which is made the subject of animadversion is the conduct pursued by him antecedent to going up to Benares, his conduct at Benares, and his conduct subsequently. The conduct of Mr. Hastings, antecedent to his going up to Benares, respects four demands that were made upon this man; three of them a requisition of troops, commuted into a sum of money; the fourth, a requisition of cavalry. The next transaction is a clandestine negotiation, as it is called, with the Wazir; and the last, I think antecedent, is a letter—and I will beg to produce this as a specimen of the manner in which Mr. Hastings' conduct is construed towards this man—where your Lordships will find that every act towards this favourite man, everything that Mr. Hastings does, has constructions put upon it of all the malice and of all the wickedness that can be invented. I will state the manner in which the letter that he wrote to him is described:—

His letter to Cheyt Sing.

"That the said Warren Hastings, in further prosecution of the said wicked design,"—which is a design to harrass, oppress, and ruin the Raja,—"and in order to draw the said Rajah to some act which might afford a pretence for violence towards him, some time early in the month of January, in the year 1781, peremptorily and insultingly did write or cause to be written a letter to the said Rajah, charging him with delay in payment of the monthly kists or payments, although the said Rajah did pay his kists with the utmost regularity, and the stipend to the said Mirza

Sadit Ally was paid with equal regularity, at the very time when he did falsely and unjustly charge him with delay in paying the same." 29 Feb. 1792.

Now, your Lordships see in what manner these charges are drawn against Mr. Hastings. A letter is written to Cheyt Sing, charging him with delay in the payment of his monthly kists; and this is represented to be in prosecution of a wicked and malicious design to ruin him, and imputing to Mr. Hastings the foulest purpose that ever entered into the heart of man to conceive—"in order to draw the said Raja to some act which might afford a pretence for violence towards him." Good God! my Lords, can it possibly be conceived that such a charge should be made against a person in a public station—that he was using means to draw on this man to some act that might afford a pretence of violence towards him?

Imputation of design to ruin him.

I will, by and by, examine this paragraph, and I will pull it to rags—the facts upon which it stands—every part of it. I will examine it to the quick, and show that all this which is made matter of imputation against Mr. Hastings is mistake—I will say no more—is mistake on the part of those who have alleged this very circumstance; and that the letter on which such foul imputations are alleged will be found to have been in consequence of the representations made to Mr. Hastings, which it was his duty to attend to; and that all the ideas of its not being true are founded on the mistake of those who have drawn this very paragraph.

Imputation founded on error.

My Lords, the first measure in the charge against Mr. Hastings is the demand made upon the 9th of July, 1778. The measure is, requiring of Cheyt Sing to contribute his share towards the burden of the war, by consenting to raise and maintain three battalions of sepoys at his own expense. That is the proposition. Your Lordships will find the manner in which it is made up into an article of charge. Your Lordships will find that the measure itself bears a very small proportion indeed to the criminal imputations that are put upon it. The measure is not disputed. The manner in which he is represented to be guilty is this:—

Demand on Cheyt Sing to maintain three battalions of sepoys.

"That the said Warren Hastings, while Governor-General, in direct breach of his duty and of the trust reposed in him, and in positive contradiction to the treaties, stipulations and engagements, which existed between the East India Company and the Rajah, with a view to harrass, distress, and finally to ruin the said Rajah, in consequence of preconceived malice against him, did, on some day in the month of July, in the year 1778, under the pretence of a war in Europe, of which he, the said Warren Hastings, had not any authentic accounts, and at a time when

Quotation from the charge.

29 Feb. 1792. the treasury of the East India Company was unusually full, and when no general levy or contribution was made upon any other persons in situations similar to that of the said Cheit Sing, require that the said Cheit Sing should furnish three battalions of sepoys at his own expense for the service of the said East India Company: and did extort from the said Cheit Sing the sum of five lacks of rupees, under pretence of providing and paying for the said battalions."

Assumption of motive.

We are a long time before we come to the measure. There are a great number of words before it, and in them consists all the charge. The charge, your Lordships see, is in the triple way that I have stated it. Here is the measure; how do you make it out to be criminal? "Why, in three ways;—First, as to the motive—preconceived malice. Secondly, as to the nature and quality of the act—in direct breach of treaty. And, thirdly, as to the object and design—to ruin the man." Take this along with you, and it is a prescription for a charge of a high crime and misdemeanour for any one act a public man does: for, only annex your idea of his motive, put your construction upon the act, and superadd to that an object for it, and then any vote which any of your Lordships may at any time give in Parliament may be made a high crime and misdemeanour. Therefore, I only beg that it may be seen in what the criminality consists; and that it may not be supposed to be what the honourable and learned Manager, who summed up upon this head, said,—that the evidence exactly coincided with the charge. So it does, if it means that Mr. Hastings proposed the measure. Here the nature and the quality of it is left out, and I prove the charge because I prove the measure. But the material points are that which is matter of opinion. Was it such as you represent it? Was it matter of suspicion? Did it arise from such a motive, and was it directed to such an object? That is the point; and that is to be examined in a different manner with respect to one ground upon which they attack this transaction, namely, the nature and quality of it.

Right to make the demands established.

I have troubled your Lordships at full length, and shall not repeat a word with respect to this or any other demand. If a proper occasion arose for making such demands, I shall take the liberty of assuming that I have established the right to make these demands; and I conceive the prosecutor cannot succeed in making good this charge, unless he can, in this and in all other instances, establish two things—first, that the acts that are charged are in themselves unjust or improper; in the next place, the bad intention. Because, if he

will admit that all the measures towards this man were just, it is no matter what the intention was; for the law does not respect intention with regard to political acts, any more than as it breaks out into actual effect. If all the measures were right, no matter what was the intention. It is, therefore, necessary, as one ground to establish your charge, to prove the act not to be right. Then, if you admit to me that the motive was a good one, though the acts were wrong, yet if the motive was pure, if they proceeded from a real desire to discharge his duty, then in a criminal charge it does not signify whether the acts are right or not: the intention is the thing to be looked at. Did the man, *quo animo*, act honestly and *bonâ fide*, from a sense of duty? If he did, though he was mistaken in the measure, and though your Lordships, in your superior wisdom, reviewing the measure, might wish the matter had been otherwise, yet, if the heart stands right and he had no bad intention in anything that was done, no matter what were the acts. I state this only for precision, because the prosecutor is bound to prove both. I hope I shall show he has neither proved that the acts are improper, nor laid any ground from which an inference can be drawn to show any improper motive.

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Intention not regarded by the law.

As to that part of this transaction which respects the breach of treaty and all the rest, I have submitted my feeble arguments to show that there was no breach of treaty committed by Mr. Hastings in demanding assistance from this man: and, that being the only ground upon which the breach of treaty is imputed in this Article, I take the liberty of saying that that part must be wholly laid out of the case; that your Lordships cannot vote that he has been guilty of a breach of treaty, without negativing all the antecedent inquiries which I have submitted to your Lordships' observation, and saying there is some treaty by which we are prohibited from making these demands. But there is none. But I do not say that, having established the right, therefore I have justified the exercise of that right.

Question of breach of treaty.

The next point, then, is with respect to the motive. The motive is preconceived malice to Cheyt Sing. I have, in the first place, observed that it can, on the part of the prosecutor, be no more than suspicion. He cannot with certainty know the heart of another: it must be that the *quo animo* the act was done is, on his part, matter of suspicion. I do not know the means by which one person can with certainty know—I do not mean to say that he may not by evidence

The motive.

Malice incapable of proof.

29 Feb. 1792. prove—the intent of another man's mind. I shall come to that presently; but I am proceeding only by steps. I say that the sort of thing imputed is not capable of being ascertained to a certainty, on the part of the prosecutor, but is matter of suspicion. What can the defendant, who denies it, say in answer? What can the purest mind say in answer to a charge against him, that the reason why he made this demand upon Cheyt Sing was preconceived malice and a design to ruin him? In what way can the purest mind, the best intentioned servant of the public, answer it?

Denial by Mr. Hastings.

First, he would answer it by positive denial. That Mr. Hastings has done. He has denied it, with a solemn appeal to that Being to whom and himself alone with certainty is known what his intentions were.

Concurrence of others.

The next thing which a pure mind would do would be to say,—"The measures which you charge to have originated in a personal motive with me I will show you had the concurrence of many others, who are not suspected to have been under the influence of a similar motive." That I have taken the liberty of pointing out to your Lordships.

Improbability of the imputation.

Thirdly, he would say,—"The imputation is in itself in the highest degree improbable." That I undertake to show. In a word, that Mr. Hastings should have intended, in the year 1778, in the then state of affairs, himself conducting that government, with all the pressure of public affairs upon him, and his own character, his fortune, his honour, everything that was dear to him, at stake on the event of it; the whole service in which he had been brought up and reared, that government that he had seen established there, which hung upon his arm and which he was to protect and support, under the pressure that there was in the year 1778, and the ensuing years;—to suppose Mr. Hastings purposely and deliberately to have endeavoured to excite within his own government internal commotion, and to have ruined the man who could best assist them in the most powerful province of the empire, who was to co-operate with them against their host of enemies—that he should at that time, when conciliating all enemies, when he was applying himself to those who in Council by their unfortunate divisions had so much clogged the wheels of government, when he was appealing to them in the most strong and marked language, exhorting and entreating them to lay aside all political differences and co-operate in the public defence, when everything was at stake—that Mr. Hastings, in that

hour, if he had conceived malice or a bad design against any body, [should attempt to act upon it] for his own sake, for his own interest, without consulting his heart or giving him credit for a grain of integrity, would prove him guilty of the most extreme folly that ever existed in any man, as well as the greatest wickedness. What must have been his malice if he could lay aside all regard to himself, to his country, to the government that he was conducting, and at that moment descend to the littleness of ruining a zamindar for the purpose of gratifying his own private vengeance, when all the affairs of the state were wielded by him—all the affairs of the empire, public and private, domestic and foreign, and his great mind embracing them all!—that at that moment he should be plotting against himself, against the government he was conducting, and should at that time be endeavouring to raise up against the government an internal foe that was to blast all his schemes, to ruin all his hopes!—that he was to bury his government in disgrace, and, himself returning to this country, having nothing but his honour and his character to protect him here, that he was to come back a man blasted with infamy and folly! Do not let us imbibe these wild ideas, till we have them established by strong and clear evidence. Yet how can a man possessing an honest heart answer it but in this mode—by representing the gross improbability and absurdity of the imputation? 29 Feb. 1792.

Justification by character.

There is, indeed, another mode in which an honest man can meet a slanderous imputation of this sort. He can say —"Read my character. What has been my general character?" My Lords, I do not forget an observation that was made upon this subject, much more neatly in the expression than justly in the application, as it seems to me, and which is to deprive Mr. Hastings of every means of defence that an honest man can have. I do not forget the observation that was made, that, in every Old Bailey calendar, we hear of Character!—Guilty!—Death!* It is a very neat observation, but how does it apply in the present case? What! my Lords, are we, in this sort of way, by neat phrases and by eloquence, to deprive a man of his best support, when malice and intention is the charge and suspicion? How is an honest man to defend himself, if every means that he can have recourse to cannot avail him? If he

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* See the Speech of Mr. Burke in opening the Sixth Charge, printed in the present volume, p. 6.

29 Feb. 1792. produces the testimonials of all that lived under his government, who say—"We never looked upon this man to be a cruel man—to be that eastern tyrant, that despot, who possesses that foul, black, heart, gangrened to the core; we never found it in our country; we never believed it." When he produces all this—"Oh! these people know nothing of the matter. I in my own library know all this matter: you know nothing of it. I know the injuries you sustained, though you know nothing of them. I have seen the stripes you have had, but you are so dull and stupid that you never found it out. All you that lived under his government, to whom he was dear—you are all in a mistake. I am right, in my own closet: you are all wrong, and I have found out what was the character of this man's government. You know nothing about it. You are all a set of tame, insipid, drivellers, and do not know the truth of it."

Testimonials of persons living under his government.

Of European witnesses.

Then, if he is to call European witnesses, they are not of the same tame race; then they are to be all disposed of in a word:—"They are a banditti, and he the captain-general of them." So that all those persons who have known this gentleman, all the natives, all the Europeans, all that saw anything of him—why,—"they are all a set of accomplices in the same wickedness; and you are not to attend to any one of them, because they are only coming to support their captain-general; and these are all, from one end to the other, the gang!" Then what is a man to do who has conducted a government to the best of his power? He appeals for the truth of that to all under his government—natives, Europeans, military men, civil men, who have all thanked him for his long and faithful services:—"Why, you are all wrong: I have discovered the whole, and you know nothing about this man."

Absence of complaints from the people of India.

Are we to give credit to this? Must not we rather suppose that the individual is mistaken, or that the individual suspicion is wrong? When it militates with that, it could not exist. Is it possible that any person, with such a heart as he has been represented to have, could, for thirteen years, conduct that government, and that, after all, there should be—as Mr. Shore has stated—not one complaint against him? When the charges have been handed about all India, all that eloquence has not made one convert. They are all obstinately of the same mind about him; and "to this hour," says Mr. Shore, in 1789, "when I left the country, there was not one complaint against him!" When all the testimonials are

favourable to him, when all the persons under his government—Europeans and natives—love and adore him, then the right honourable gentleman is to tell us that he possesses "a heart black and gangrened to the core;" that he is an eastern tyrant, an eastern despot; that he never dines without creating a famine, and that he is feeding his ravenous maw with all the blood and wealth of that country.* Are these extravagant ideas to be entertained with respect to Mr. Hastings?—or are we to give credit to the *omnis, undique, consentiens multitudo?* They are all for him, to a man. They are all gratitude.

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General concurrence in testimony to Mr. Hastings' humanity.

Good God! my Lords, in a time of adversity friends are apt to fall off. Would gratitude bring forward people to hang about him with such ardent affection, to come pressing forward to vindicate his honour and his character, and to represent him to be not the man you supposed him to be, unfortunately for him? Would gratitude induce men to perjure themselves for a tyrant? Would gratitude induce Major Gilpin to say of him—" there is not in any country a more amiable private character than Mr. Hastings?" Would gratitude induce Major Gilpin to speak of him in the way he does, who says, without ever having received any favour of him, or seeing him till he saw him at St. Helena, that the distinguishing characteristic of his government was humanity? How are we to account for this? Would accomplices present themselves, the voluntary witnesses to their own and his guilt?—Would they come forward, in the face of the power of one branch of the Legislature levelled against an individual, and attest repeated perjuries with respect to this gentleman? I hope, therefore, that your Lordships will rather believe the more probable and the more natural supposition, namely, that all this may be an unfavourable impression taken up with respect to this gentleman, rather than impute perjury to so many persons who had the best means of knowledge of his public and private character.

Proper occasion for adducing evidence of character.

I admit that character as opposed to a direct fact is nothing; and I never will have recourse to character where there is any other means by which I can examine the charge. But when it rests on suspicion, when it rests upon imputation which cannot be met by direct evidence, I am for opposing to it one of those defences that an honest man is furnished with, which is the best reward of a good life, of

* See Mr. Burke's Speech in opening the Sixth Charge, printed in the present volume, p. 84.

29 Feb. 1792. an honest heart, namely, a good character in public and private. That does and ought to stand in stead when this black and wicked design is imputed to him—to say that the very contrary was the known character of Mr. Hastings in that country; and that, if he had any particular fault, it was a peculiar attention to the natives of that country, and lending too favourable an ear to them, as opposed against the British inhabitants.

Application of the principle to a supposed charge against the present prosecutors.

But, my Lords, give me leave to put a case—and I will put a most extravagant case. Suppose that the right honourable Manager, who opened this charge—and whom I do not see here—suppose that he had lain under a similar imputation with that of Mr. Hastings. Mr. Hastings is here charged with having preferred against Cheyt Sing false, wicked and malicious, charges. I will suppose any body had been base and wicked enough to impute to him that he has preferred against Mr. Hastings—what, I am sure, nobody would for a moment believe, and I am persuaded your Lordships will not believe; and I put it purposely, because nobody can believe it—that he had preferred false, wicked and malicious, charges. What would be the answer of that right honourable person, whose heart is as pure and as clear from any of these mean and pitiful passions as any man that lives? First, he would deny it. Next, he would say—"In that measure which, you say, was owing to my malice, I have the concurrence of others who are not under that imputation." Next, he would say—"The charge is, in itself, in the highest degree improbable—that I should be intending to ruin an individual." Next, he would say—"I present to you my character. All that know me—all my friends, public and private—know that I am a person not capable of that mean and detestable passion which you impute to me." And would it be enough if the person who accused him was to get up and, in a sneering manner, say—"Character!—Guilty!—Death?" Or, to say of all his friends that crowded round him—"You are a set of banditti that are not to be attended to. He is the captain-general of iniquity of you all; and you who know him in public and in private are not to be listened to at all?" What could that right honourable person do? I rather think he would be under one disadvantage in the comparison, because the charges preferred against Mr. Hastings are not true, but the charges preferred against Cheyt Sing by Mr. Hastings are true.

But nobody will say, if the charges against Mr. Hastings

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were not true, that it would by any means follow, or that anybody would have the wickedness to impute to him, that he had not honestly discharged his duty and acted without any criminal or improper motive, though he might seem too zealous in pressing them. He acted from a good motive, though the charges are mistaken. I, therefore, only say that you should, in common charity, deal with Mr. Hastings as you would be done by. I do not say—"Judge not that ye be not judged;" but I say—"Act as you would be acted by; and let his conduct be judged as your own would be, or as any man's must be." I present all the modes of defence, to negative this foul and wicked imputation.

If I do in every manner negative it, I trust your Lordships will then think that, though I have recourse to character in this instance, it is not to avoid a minute and accurate discussion where that can be had; and, if I was not to have recourse to character, there might be left out one of those means by which an honest man can defend himself.

Grounds of the imputation of malice.

There is another sort of answer to a charge of this kind, by which an honourable man might defend himself; and that is, in examining the grounds upon which the imputation is fixed. Now, with respect to that, we have heard in the course of the year 1789, I think, a variety of discussions with respect to circumstantial evidence. In that year, the records of the proceedings of your Lordships will be found, generally, to consist of very little more than the proclamation and the decision of incompetent evidence. The Managers withdraw; they protest against the determination, and present the same evidence again, and desire your Lordships will take it into your more deliberate consideration, for they do not approve of your determination. In the course of that year, in the speeches which were made before and always after the determination, I remember there was a constant reference to Capt. Donellan's trial, as if his trial had proved anything new on the point of evidence. Circumstantial evidence is equal and, in some cases, superior to direct evidence. Why, everybody knows that without quoting Donellan's trial for ever. We have had it quoted about a dozen times, to establish a proposition which is a self-evident truth. But does not every body know that there are three sorts of presumptions; the *violens*, the *probabilis*, and another sort, which is the *levis et temeraria*—that light and rash presumption which, says Lord Chief Baron Gilbert, has

29 Feb. 1792. no weight at all in a court of justice? Now, there is not even that *levis et temeraria*, your Lordships see, in this case when you come to examine it; for the very grounds upon which they impute this malice to Mr. Hastings will be found to be the very grounds which justify the act!

Cheyt Sing's misconduct assumed to excite malice in Mr. Hastings.

The first ground upon which it is discovered that Mr. Hastings had malice against Cheyt Sing is an act of misconduct in Cheyt Sing. That is the proof of it. We have no evidence upon it, except a passage in that narrative which I shall allude to presently. But they have found out that, in 1777, Cheyt Sing sent a wakil down to General Clavering. At the time when there was a struggling for the government, when matters were bordering upon civil violence, and when there was an attempt, on the part of General Clavering, to wrest from Mr. Hastings the government, Cheyt Sing sent down a wakil with a commission to General Clavering. What is the inference? Here it is! "Here is the malice! We have found out the cause of Mr. Hastings' malice." Have you any evidence of it? "Yes! we have got the fact." But how do you know Mr. Hastings had any malice for it. "Oh! that I suspect." You have found out an instance of Cheyt Sing's misconduct, and, upon the ground of it, you say—"this, I am certain, was the cause of it all." Why? did he ever say so? Did he ever reprimand him? Did he ever censure him or express the smallest disapprobation at the time upon the subject? "No; it was all locked up in his own breast; I am sure it was, and I find it bursting out in the year 1778; and that is my suspicion." Is that suspicion warranted by what Mr. Hastings says about it? How does he mention it? He says—"These designs of the Raja—having stated them all—appeared in a manner most unequivocal to everybody. Looking back to the account of this man's misconduct,"—says he,—"here were a great number of circumstances which showed he had these bad designs; and these designs were favoured by the unhappy divisions in our government." And then he states this as an instance of his looking to Calcutta and then regulating his conduct about it. Is the fact so? Did he not do so? I will point out the whole history of this person's conduct throughout; that he was constantly keeping his eye upon Calcutta: and, though these divisions, most unfortunately for the country, did encourage him to do as he did, I impute nothing to the gentlemen that were the authors of it.

Mr. Hastings has, in a manner which does him infinite

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honour, when he had occasion to speak of it, obviated the imputation by saying,—"I owe it, in candour, to the gentleman whose name I have reluctantly introduced into this account, to obviate an inference that may be made from it that he had any part in these politics. I do from my heart" —says he—"deliberately acquit him; however I may, in the moment of instant disappointment, have suffered my mind to catch such a suspicion: but if I have, it has been faithfully concealed within my own breast." That was the manner in which Mr. Hastings acted towards his absent opponent. He did not, behind his back, by anonymous publications, endeavour to traduce his character or to wound his reputation; but, when there was the least possible chance of a hint being given to the prejudice of the absent person, he caught it up instantly. He takes blame to himself. That shows what the honourable feelings of this gentleman are. If he has for a moment suffered his mind, in the moment of recent disappointment, to catch such a suspicion, he has, at the first opportunity, disavowed it, and has taken blame to himself for having entertained it; and he has deliberately and from his heart acquitted the person who might lie under suspicion of it. That was the way in which Mr. Hastings acted upon this occasion.

Candour of Mr. Hastings in acquitting his opponents of improper motives.

With respect to the divisions themselves, without imputing any kind of blame to him, I say that the divisions did produce the effect upon the mind of Cheyt Sing to encourage him in his disobedience; and I will prove that by a declaration of the very gentleman whose opposition was suggested as the cause of these misfortunes. I will prove it by his declaration of his own opinion of the great importance of unanimity, particularly as applied to Cheyt Sing—that, if the proposition was carried unanimously, the probability was that he would not oppose it. Then it is clear his idea was that, if it was not unanimous, if there was a division, it would encourage the Raja to make opposition; and, in point of fact, it did so.

Effect on Cheyt Sing of the divisions in Council.

I will show, throughout all the history of this man, that such were the effects of the divisions in the government. I do not presume to say a word upon the effect of opposition in a popular government. It has its good and it has its evil. I have no offensive meaning in the expression. I mean that public debate upon public measures, when the operations of government are opposed, has its good and has its evil. Nobody would wish, in a free government,

29 Feb. 1792. that it should not exist. Nobody will deny, however, that there may be occasions in which the operations of government may be in some degree affected by it. Not that, on that account, there is in the persons engaged in it the smallest imputation whatever; but everybody will be agreed in this—that, in a government which is remote from the seat of empire, consisting of a small number of persons who are to govern, and in a country like India where a foreign yoke is to be imposed upon the people, and millions are kept, as was justly observed, upon the thread of opinion, if it should ever unfortunately happen that there are divisions among those who are to govern, it must have an important effect upon all the operations of government in that country—as was the case here. Those who are disposed to disobey and to avoid the demands of government will be induced to do it, when they can find anybody in the Council that will support them in that opposition. I, therefore, hope that no just inference arises from the observation, made by Mr. Hastings, with respect to the effect that the divisions in the Council had upon the conduct of Cheyt Sing.

Supposition of designed hostility to Cheyt Sing.

As to this suspicion of a supposed design, from that moment, hostile to Cheyt Sing, in the first place, you have not the least evidence to support such a supposition. In the next place, though it does not lie upon me to prove the negative, yet I will on my part negative it, in a way that will satisfy every one that hears it that Mr. Hastings never did harbour the smallest resentment against Cheyt Sing, upon this supposed cause of resentment, which happened in the year 1777. But I will show your Lordships that, subsequent to that period, when complaints upon complaints were made against Cheyt Sing by all the persons who saw his conduct and perceived what he was aiming at, so far from having any animosity against Cheyt Sing, Mr. Hastings could not be brought to listen to those accounts, from his partial regard to him, and that was the complaint of those gentlemen who had the best opportunity of knowing that such was the fact. I recollect a private letter to Mr. Hastings, in 1777, from Mr. Graham, wherein he represents to him his strong doubts of the fidelity of Cheyt Sing; "but"—says he—"I know your partial regard to him, and I am unwilling to touch upon the subject without first examining it, to see that I am perfectly well founded." He then represents his mysterious conduct: and

Mr. Graham's doubts of Cheyt Sing's fidelity.

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your Lordships will find that, in truth, it was entirely owing—as Mr. Graham alludes—to Mr. Hastings' partial regards for this man, that he did not listen to the constant representations that were made to him of his misconduct in various ways—of his infidelity to the government—and that, in all the conduct of this person—such as I shall, by and by, show it to have been—he did not have recourse, as perhaps he ought to have had, to stronger means to bring him back to a sense of his duty, and to prevent all the mischievous consequences that at last happened.

Complaints made in 1780 of Cheyt Sing's misconduct.

I will show that, in the year 1780, a person who was near Mr. Hastings applied to him and made complaints, as he had done over and over again, of the bad police in the country of Cheyt Sing, and of his misconduct. When he came to represent complaints about him he could scarcely get a hearing. Mr. Hastings turned a deaf ear when Cheyt Sing was the subject of complaint. And your Lordships will find, what is still more satisfactory, that, in the year 1781, when Mr. Markham was sent up as the Resident, the very last words spoken by Mr. Hastings to Mr. Markham were, advising him like a father in his conduct to Cheyt Sing; advising him not to let any circumstance induce him at any time to betray any impatience towards him; to try what forbearance and moderation could do; to beg of him to come back to a sense of his duty; to exhort him to furnish the Company with the cavalry that the service required; to tell him—"I am afraid Mr. Graham has been harsh with you;" to try what other means will do; to entreat, exhort, beg of him. This was in the very last year, the year 1781. Then, when he expressed himself in that confidential manner to Mr. Markham, at the time he was going up, can it possibly be believed that this suspicion—for it is no more—is well founded? It is obviated in every possibly way; and it is rendered extremely improbable from every circumstance that attends it. I hope I have satisfied your Lordships, in this way of considering it, that there is no just ground for the imputation.

Not encouraged by Mr. Hastings.

His recommendation to Mr. Markham of forbearance towards Cheyt Sing.

Reasons assigned for imputing to Mr. Hastings intention to ruin Cheyt Sing.

I will now proceed to examine the grounds upon which this imputation, so heavy and so severe, is laid upon Mr. Hastings. Your Lordships will see, when it comes to be stated, that there are three grounds of suspicion upon which you are to rest. The measure itself must have been designed to ruin him. Why? Because,—first, it was upon pretence of war, of which you had no authentic accounts.

29 Feb. 1792. Secondly, because the treasury was unusually full. Thirdly, because there was no general levy made upon persons in similar situations with Cheyt Sing. Now, I will examine them all, and I will show your Lordships that there never were stated grounds of presumption so light and rash, so perfectly void, and so directly contrary, in every instance, to the facts. Every circumstance that is stated is directly the reverse. It was Mr. Hastings' bounden duty to make this demand if Cheyt Sing was liable, which I have shown he was. If he was liable, he could not forbear to exercise that right in this instance, circumstanced as he was.

Imputation of no real apprehension of war.

Now the first imputation is, that it was upon pretence of war, of which he had no authentic accounts. "It is all sham and mere pretence. You knew it was not necessary. You lay hold of this pretence to vent the malice that has been rankling in your mind. You had no authentic accounts that could warrant such an act as this. That is my reason for suspecting you of malice." My Lords, there is one way of proving that he had no intelligence, which is, by not producing the intelligence, because, *de non apparentibus et non existentibus eadem est ratio;* and, I observe, the prosecutor, who has undertaken to say that the intelligence was not sufficiently authentic to warrant Mr. Hastings in an act of preparation, has not said a word about what the intelligence was—that is, he has given no evidence of it. If he will not see what the intelligence was, to be sure, he may suppose there was none; but here is the intelligence, and I will now beg your Lordships, for a few minutes, just to read it, and see whether a man must necessarily have been influenced by malice who could act in a measure of preparation upon such sort of intelligence.

Information received from the Ambassador at Paris.

Your Lordships will recollect what was the state of affairs in the month of July, 1778; that, prior to that time, the zeal, the vigilance and the discernment, of the noble person who, fortunately for this country, was the representative of the British nation at France,* had apprised the settlements in India, by an express messenger, of the designs of France. He had put them in a state of preparation to expect the storm that was about to burst upon them, by the concurrence of the European and Indian powers against the British nation, to drive us out of India and to set up our ancient rival there. Thus prepared to expect what soon

* See the Introduction to Vol. I., p. xvii.

afterwards happened, they received this intelligence from Mr. Baldwin, who was the Company's agent, stationed at Grand Cairo, for the very purpose of transmitting intelligence: he says,— 29 FEB. 1792.

Intelligence received from Mr. Baldwin.

"In my quality of agent to the Honourable the East India Company, it may seem incumbent on me to communicate to their Presidencies in India any intelligence which may affect their interest or safety, but I am in no doubt, in the present crisis of public affairs of its being my duty as an Englishman. I have, therefore, the honour to lay before [your Honourable Board a sequel of the advices arrived since the departure of Captain Thirleton, on the 7th of April, from Suez.] On the 27th following, I received an express from my agent at Alexandria, dated the 25th of April, 1778, containing the following advice, viz. ['Last night came to an anchor, in this port, a Venetian ship under the command of Captain Tanabochia, being only nine days upon his passage from Coron in Mocca, who brings advice that, before his departure from Coron, a French tartan came in there with public despatches for the French Consul, intimating the declaration of war with England, and that an English squadron had fallen in with and taken 28 sail of French ships laden with warlike stores for America. The French merchants have received the same intelligence at the same time, and I thought it too consonant to the situation of public affairs not to take proper notice of it. Captain Pruen was that day going to Suez, in order to depart, and I thought it right to present him with the following letter.]

"'Sir,—I have just received intelligence from Alexandria, dated the 25th instant, to the following purport [*here was inserted the copy of the before mentioned paragraph*]. Now, sir, as this intelligence seems more than probable, and a confirmation or contradiction may arrive in the course of a week, you may think it your duty to retard your prepared departure, in order to convey information of such importance to the Company's affairs into India. It is mine to offer it to your consideration. All the latest advices from Europe gave us the best founded expectation of such an event, and the unusual delay of some expected merchant ships from Marseilles give us room to conjecture that an embargo may have been laid upon all shipping for the purposes of war. In order to get the best éclaircissement possible of the intelligence brought by the Venetian captain, and to gain time, if his report should be true, I shall immediately dispatch a messenger to Alexandria, with directions to my agents there to entreat the Venetian captain to make a regular deposition of the advice he brings, to affirm it in presence of witnesses, and to send it to me immediately. The messenger will be back in seven days.

"'Cairo, 27th April, 1778.'"

"Mr. Pruen answered me that he would postpone his departure from Suez until the return of the express from Alexandria, and I dispatched the messenger the same moment. In five days more, a more important messenger arrived to the French. On the 2d of May, in the morning, being in conversation at a French house, where most of the French gentlemen assemble, letters were brought in express from Alexandria, and distributed severally as they were addressed. M. Noel Olive, a young gentleman, was the first that had perused the advices, and, upon being asked impatiently by the Count de Hautefort, next to whom I sat, what was the news, M. Noel Olive made answer, greatly agitated in his spirits, that the tartan was arrived from Marseilles bringing advices that the war was declared at Paris, on the 30th of March, against England.

29 Feb. 1792. The Count turned to me, saying he was extremely sorry, and we mutually exchanged our wishes that it might not be of long duration. I mention this to prove that I could not have been mistaken in my comprehension of M. Noel Olive's intelligence. It merited, notwithstanding, some closer inquiry, and I have discovered from unquestionable authority that the state of things is really as follows, viz.:—The court of France, predetermined to break with England, on seeing a war inevitable, issued orders to the Chamber of Commerce at Marseilles to dispatch tartans to all the ports in the Mediterranean, directing the Consuls to put all their subjects upon their guard. That on the 26th March the tartan sailed from Marseilles with these orders, and her progress has since been to Algiers, Tunis and Malta, and lastly to Alexandria. The captain of the tartan reports that, he being at Malta, on the 16th of April, a courier arrived there with the advice of the declaration of war at Paris on the 30th of March. The French merchants at Cairo want to conceal this advice; but the many concurring circumstances make it too strong a presumption not to give it the most implicit credit. The private advices obtained by indirect means from the French merchants themselves confirm all these reports, and say, more, that the Government at Marseilles has sequestered two English vessels then in that port, and had made the crew prisoners. But as strong confirmation as any is in a private letter from the most capital house of Marseilles to a French merchant here. It is dated the 25th of March. I read it. It says thus:—

"'By the carrier just come in from Paris, we receive assurances that Lord Stormont has been recalled, and that England declared war against France on the 18th current. In consequence of which advice the Mahon packet-boat made sail immediately for Mahon. This I attest to you upon oath, and that every circumstance herein recited is the report of the French themselves.'

"The arrival of the tartan is manifest to all the world. To add however weight to these assertions, to give such a degree of authenticity to an intelligence which may so deeply affect the counsels of all India as seems proportioned to, or rather necessary to, its independence, I have entreated the English gentlemen, fortunately at present in Cairo, to subscribe to the following opinion, viz.:—'That many of us were present, on the second instant May, at the conversation when the French advices arrived. That we have severally heard the above reports confirmed from different people. That it is the firm opinion of every one of us that the war is unquestionably declared; and that it is for the interest of the nation that the intelligence should be conveyed to India as expeditiously as possible.' [*Names of subscribers.*]

"With the above authority, I trust, honourable sir and sirs, you will justify my zeal in hastening away this dispatch. I have only another observation to make, which leads to the general conclusion, that the merchant ships expected from Marseilles have suspended their voyages and confirmed my conjectures of the embargo laid upon the shipping there. This considered with the other weighty circumstances have determined me not to wait till the return of the post from Alexandria. Five ships are at Suez, by which any momentous intelligence can be conveyed. If I should require orders or the exigencies should require it, I entreat the honor of your protection.—Cairo, 4th May, 1778." *

* Letter of George Baldwin to the Governor General and Council of Calcutta, dated Cairo, 27th April, 1778.—Printed in the "Minutes of the Evidence," &c., p. 1478.

This intelligence was confirmed by the oath of Mr. Baldwin to his belief in the truth of war being declared; and it was confirmed by the conduct of the French merchants, &c. The intelligence is sent to Bombay. They despatch the Company's vessel, the Morning Star, conveying intelligence to a certainty of war being declared between France and Great Britain. That is Mr. Hastings' "pretence of war, of which he had received no authentic accounts"! Upon this pretence of Mr. Hastings, the Council met on the 7th of July—two days before the 9th of July—when the measure in question arose; and upon this "pretence of war, of which they had no authentic accounts"—upon this pretence of war, the whole Council resolved unanimously, upon the 7th of July, in the manner I am going to state:— 29 Feb. 1792.

"As the truth of the intelligence contained in the above letter from Mr. Baldwin is not to be doubted, and as it must be soon followed with an authentic confirmation of the fact, the Board judge it necessary to take their measures immediately upon it. They are of opinion that the most effectual step for guarding against any hostile designs, &c." Resolution of the Council on receipt of the intelligence.

Now, without tiring your Lordships with the account of what follows, I will only state what is the measure they adopted upon this pretence of war, which was a mere sham of Mr. Hastings. The whole Board, upon the 7th of July, resolved unanimously to recommend to the Council at Madras to commence an act of open hostility against France, by immediately laying siege to Pondicherry. They, besides that, direct that a letter [should be suppressed] which was about to be sent to Colonel Leslie, and which was ready for signature, directing his march across the country: they immediately order him to stop where he was; to march into a neighbouring country; to be ready to return the very first moment of what was expected soon to happen. So that this pretence of war, which was not sufficiently authentic to induce a measure of preparation, merely, in requiring a person who was a dependant of the empire to raise troops for the public defence—this pretence is thought sufficient for a measure of open, public, hostility against France! Measure of hostility to France adopted by the Council.

Mr. Hastings little dreamed, when he was acting for his country, upon such an occasion, and with such intelligence before him, that he should have malice imputed against him. Malice, indeed, he had, but it was against the enemies of his country! He had a deep-rooted malice against them, when he had every reason to believe the fact to be that war was declared; and he did not stand upon the miserable pretence Justification of Mr. Hastings' conduct in meeting the war.

29 FEB. 1792. that the intelligence was not authentic—that it did not come in the shape of a gazette, or under the great seal of a proclamation of war. He did not so defend the British nation! No, my Lords, his zeal for his country took fire. When he believed it to be fact, he acted upon it; he exposed his own personal responsibility, if it was not true. But will any man tell me that the conduct of Mr. Hastings did not show that he believed the intelligence? Why should he have resolved, upon the 7th of July, upon an act of open hostility against France, if he did not believe it? Mr. Hastings acted immediately, with that promptitude, with that zeal and anxious love for his country that influenced him throughout all his government. Those very things which are imputed as crimes in Mr. Hastings arose from an excess of zeal—an anxious wish to save the empire entrusted to him.

His activity in forming plans of defence.

What does he instantly? He proposes a Council to be called upon the very next day; and he devoted all his time in the interval to consider of what plan of operations could be formed for resisting this storm, which he had every reason to expect would burst upon him. What does he? He immediately tells them that, upon the 9th of July, he will be ready with all his plan of operations upon the subject. With an interval of only one day—anxiously employed, indeed—his mind embraced the whole empire, and what it was necessary to do to guard against all our foreign enemies—what it was necessary to do to put the country in a state of defence. He comes forward with his propositions, upon the 9th of July, of which this is one.*

Partial production of the plan by the prosecutors.

When the charge is, that this was a partial measure against an individual, without any belief of the necessity for it, I was astonished to see the prosecutor propose to read only the proposition which respected Cheyt Sing. We did take the liberty to desire that the rest of the minute might be read, and I hope your Lordships will think that we were not justly charged with the imputation of delay, when we wished that an individual measure should not be looked at, in order to judge whether it was a partial measure or not, but that the whole plan should be looked at fairly, and not extracts and pieces of consultations. Look at the whole and see, my Lords, whether it does not manifestly appear that he was not acting partially to an individual, but acting

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* See the Minute of Mr. Hastings, delivered at the Board of Calcutta, the 9th July, 1778.—Printed in the "Minutes of the Evidence," p. 1842.

bonâ fide, like a good Governor, and like the guardian of the British empire, protecting it against foreign and domestic enemies. 29 FEB. 1792.

Let anybody look at his plan, and see whether it is not a general plan, comprehending all the empire. That which occupied his mind principally was that which my learned friend treated with so much ability, and which I shall not repeat, respecting the Raja of Berar, the Mahratta chief. It was a favourite object with Mr. Hastings to bring him round and to induce him to co-operate with us. That formed the greatest part of the minute; and your Lordships will there see how he discusses the state of foreign politics, and the obvious necessity of adopting the measure with a view to the public defence. But he thought he should go but a little way if he looked only to external alliances and did not guard for internal defence. He proposes, with respect to the country, that we should raise six or nine battalions of sepoys; that, of them, three should be maintained by Cheyt Sing. He proposes that the pilots should examine the river, to see the manner in which an enemy may approach, and what means were proper to guard against it. There are six or seven propositions of the same sort, to guard against the approach of an enemy and to put the whole country in a state of defence; and, upon that day and the subsequent day, there was not a single spot subject to the empire of the British nation that was not covered by his protecting care. From east to west, and from north to south, by every means that an active, vigilant and zealous, Governor could use, he protects it in every part. He establishes at Buxar and Chittagong, and every other place, every possible means of defence; and, if he had not provided for Benares, it would have been the only spot he had neglected, but which is the most valuable and important part of the whole, and which was best able to support us. Look at the manner in which the proposition is brought forward, and see whether the manner of bringing it indicates anything like concealment—burying it amidst a number of other things in order to avoid its being seen. He brings forward the proposition to speak for itself, as a part of that mode of defence of the empire which he thought necessary.

Comprehensive character of the plan.

Overtures to the Raja of Berar.

Proposal to raise a force of sepoys.

Other propositions.

At this very [Council] on the 9th of July, Mr. Hastings, speaking of the intelligence, expresses himself with some degree of doubt upon the subject. He lays it before the Board, in order that it might come forward with every dis-

Doubt expressed by Mr. Hastings in presenting the intelligence to the Board.

29 Feb. 1792. advantage upon the subject. He did not doubt but that the intelligence was sufficient to authorise an internal armament, but the question was, whether it was sufficient or not for the immediate measure of hostilities against the French. Mr. Hastings says,—

"The proposition [with which I shall now conclude, I offer with much diffidence and hesitation. It has been the constant subject of my thoughts since our last meeting, and though I now incline to recommend it, I see the objections to it in so strong a light as, added perhaps to those which may be suggested by other members of the Board, may induce me to change it, but I will briefly state it. The war having been notified to us, though not by authority, yet confirmed by evidence of such strength as to amount to a degree of certainty next to absolute, shall we proceed upon it as upon the grounds of a war declared and notified in all its forms? or shall we wait the confirmation of it which it is probable we may not receive for this month or six weeks yet to come? the consequence of our determination on this question, if in the affirmative will be, instantly to detach a military force to guard the approaches of Chandernagore, to demand the surrender of that town, and to appoint commissaries to take possession of the public stores, shipping, and private effects of the inhabitants]. This combined question I propose for the determination of the Board."

Mr. Hastings had no doubt but the intelligence was sufficient to induce them to prepare for defence, but with respect to the offence he suggests his doubts, and he brings it forward for the consideration of the Council. What is the consequence? Why, in this instance, the whole Board were unanimous upon this proposition. They instantly resolve in the affirmative, and direct that the French be immediately dispossessed: and they were dispossessed, fortunately for the country, before this authentic intelligence arrived. They were driven out of every inch of land that they had in that country. Chandernagore was immediately taken, and the French Governor, with all the stores and warlike instruments, all the French vessels upon the river, were seized. News was immediately sent to the Dutch and Danish settlements, to inform them of war being declared, and to tell them they apprehended the French would come under neutral colours and take advantage of their settlements, and desiring them to guard against it. There was every mark of an entire, sincere and firm, belief in every man upon the spot that it was that sort of intelligence which warranted, not a measure of defence only, but a measure of open hostility: and upon this occasion our enemies have not complained that we were premature, but the British complain that Mr. Hastings acted upon this intelligence. Our enemies do not complain of an act of open hostility: the British nation complain

Unanimity of the Council in recommending hostilities against France.

of a mere act of defensive preparation! And not only so, but they say that this proves that Mr. Hastings must have had malice against Cheyt Sing, and that he had a design to ruin him. This is the first ground upon which this imputation is founded. 29 FEB. 1792.

Liability of Mr. Hastings to blame, if he had not called upon Cheyt Sing.

If upon this intelligence Mr. Hastings had not acted, what would have been said of him? "Why did not you call upon Cheyt Sing?" "Why, because I had no authentic accounts." "Why, what a mean, a paltry, frivolous, quibble"—would it have been said—"is that! O! Sir you must have been lost to all feeling for your country. Not sufficiently authentic? Sir, it is a mean, a paltry lie. You did think it sufficiently authentic to act against the public enemy; and do you mean to tell me that you did not think it sufficiently authentic to call for the assistance of one of your own dependants?" What would you have thought of Mr. Hastings then? And yet these are the grounds upon which Mr. Hastings has been loaded with these imputations, so improbable in themselves, so reprobated by all that know him, negatived in every possible manner; and, when we come to examine the grounds of it, this is a bubble that bursts into air; this is the foundation upon which these heavy imputations have been thrown upon this faithful servant of the public who has served them nobly; and his very acts of zeal, his best exertions for the public safety are selected, not merely as matter of charge against him, but as the foulest charge—as showing him to be destitute of all feeling, "black and gangrened to the very heart!"

Assertion that the treasury was full.

My Lords, the next circumstance of presumption upon which this measure is attacked is, that the treasury was unusually full. Your Lordships will pardon me if I take the liberty of saying that this is an unusual accusation. It is the very first time that I have ever heard it imputed to the minister of a great country, at the opening of a war likely to be of a very great extent, that, as a measure of preparation, he had a great deal of money in the treasury. If he had none, it might be some reason for not making a measure of preparation. But it is a measure of resource:—"you have recourse to a measure of resource when your treasury is unusally full."

Necessity for ample funds.

In the first place, suppose it was as full as it could be—that it was overflowing; what would have been the consequence? We know perfectly well that, in that country, you must in a great measure carry on a war by the money that

29 FEB. 1792. you have in hand; for, as to resources by taxes and in the modes in which you can raise money here, that is not easily done in that country, and we have found the difficulty of it. If you cannot have a supply of money from home—and at that time, your Lordships recollect, the British nation could send them none; they had ample demands for all the supplies they could raise here, and the minister did not send them a single farthing—what you have in the treasury is all you are to live upon, and you must carry on the war with that; and, as that is eating away by degrees, you cannot replenish it but by the ordinary revenue of a peace establishment, with which you cannot carry on a war. So it is matter of imputation to Mr. Hastings that he began a war when he had a full treasury; that he did not sit down till it was empty, and then commence a war. This, one of the grounds to prove malice, and Captain Donellan's trial, will be produced against you to prove that this is presumptive evidence of direct malice.

Justice of calling upon Cheyt Sing for contribution.

I will suppose the treasury was full. When the question is, whether the country is to be put upon a war establishment, when measures of preparation are necessary for the public defence, is it not just and reasonable to call upon this man, supposing they had a right to call upon him? If we are to increase our expense for his and our defence, ought not he to contribute to it? What! because we have a large sum by us, ought not he to pay something for an increased expense? We are going to war to protect him and ourselves. "Well! what! will not you contribute?" "No?" "Is the rest of the empire to bear all the load and you none?" "Yes! because if you touch me it will be malice. Squeeze all the rest of the empire as much as you please; but do not touch me. I am much attached to the British nation, but I will not pay a farthing towards it; and, if you call upon me, it will be malice in you to make the demand."

Motion of Mr. Francis for a loan.

We have a curious piece of evidence produced upon this subject, and that is a motion of Mr. Francis for a loan. Now this pretence of intelligence induces Mr. Francis to make a proposition for a loan. Upon this subject your Lordships have evidence adduced, but it is only part of the evidence. I had the curiosity to look a little further back into the evidence, seeing a part of the subject brought before your Lordships, to see how far this motion of Mr. Francis for a loan arose; and it is supposed to constitute an inconsistency in Mr. Hastings, that he should at the same time oppose a loan

and yet propose a measure of resource. That motion was made by Mr. Francis upon the 23d of July, 1778. The subject is taken up in evidence in August, 1778— 29 Feb. 1792.

"More than seventeen days having now elapsed since the first advices were received on which we have deemed a war with France inevitable"—

It is all a pretence of Mr. Hastings, and it happened that Mr. Francis concurred with him in that pretence!—

"and which has determined us to act offensively against that nation, I think it time that the Board should immediately form a resolve upon the general plan of measures which the defence of Bengal may require us to adopt in the present conjuncture. The measures I allude to being of a general nature, and the resolutions leading to them being preliminary and fundamental, fall solely, as I conceive, within the judgment of the Board; the means and mode of execution may be determined by military and official advice. I propose, therefore, that it may be resolved, that it is the opinion of this Board that for the defence of Fort William, in the case of an invasion, and of Budge Budge, and to form an army of observation sufficient to keep the field, it is indispensably necessary that twenty battalions of sepoys on the present establishment, amounting to 15,600 rank and file, should be forthwith assembled at or near the Presidency. Resolved, that of the above force eight battalions shall be stationed in Fort William, which, together with two regiments of Europeans, the militia, and all the artillery, except one company, with a proportionate establishment of Lascars and artificers, shall constitute the standing garrison thereof. Resolved, that three battalions and a half of sepoys and one company of artillery shall constitute the standing garrison of Budge Budge. Resolved, that the remaining eight battalions and a half of sepoys shall be employed in the field as an army of observation, or in the defence of such outposts and stations as the service may require. Resolved, that immediate orders be given to the officer now commanding in the field for the march of one of the regiments of cavalry now stationed there forthwith to the Presidency, completing the same, if necessary, by draughts of men and horses from the other regiments of cavalry: and that the above regiment shall act in conjunction with the army of observation. Resolved, that the above-mentioned twenty battalions of sepoys shall consist of all the native troops now in the Company's service, and that their places shall be supplied by new levies for the defence of the Nabob of Oude's country, and of such other ports and stations as may require it. Resolved, that the regiment of Europeans now at Burranyrow be ordered to the Presidency, and quartered at Fort William. Resolved, that Colonel Ironside be immediatcly ordered into the Fort to take upon him the command thereof, with instructions to attend to the constant exercise and discipline of the garrison, particularly to train and exercise all the Europeans, without distinction, in the working of guns. Resolved, in order to expedite the new levies, and to compleat the twenty battalions destined for the service of the Presidency, the militia sepoys at the different stations shall be revised, and such of the men as are fit for service draughted and incorporated in the established battalions, and that their places shall be supplied by new levies. Resolved, that the colonels or commanding officers of the several

29 Feb. 1792. brigades do make an immediate return to the commander-in-chief of the actual state of the field equipage, of the number, state and condition, of the Lascars, and draught and carriage bullocks, elephants, &c., properly trained and fit for service; also a report of the quantity, quality and condition, of the several stores furnished by contract: and that these reports be referred to the commander-in-chief for his opinion of the augmentations and further provisions necessary to be made, in order to the compleat supply of the force destined for the service of the Presidency. Resolved, that the four companies of artillery be immediately compleated by draughts from the European regiments; and that two companies belonging to the European regiments be particularly trained to the service of the artillery; and that part of the native artillery, equal in number to the four companies of Europeans, be selected and trained to the same service; and their pay made equal to that of the sepoys. I also think it my duty to propose it to the consideration of the Board, whether, considering the present emergency, the extraordinary expences to be provided for, the actual state of our treasury, the possibility of a diminution in our collections in case of commotions in the country, and the advantage of possessing a quantity of specie, which in that case would probably be secreted, and of securing the fidelity of a number of wealthy individuals, it might not be adviseable to open the Company's treasury for a loan of fifty lacs of current rupees at five per cent.]"*

Mr. Wheler, upon that occasion, says,—

Observations of Mr. Wheler.

"[I take this opportunity to declare that the above propositions, as well for the defence of Bengal as for making the loan in question, meet with my entire concurrence and approbation. The former, or something adequate thereto, I deem absolutely and indispensably necessary for the safety of the country committed to our charge, and that any further delay in taking the most effectual precautions against the] possibility of an invasion, after the advices we have received, and knowing the embarrassed state of our Government at home, which leaves as little prospect of assistance from thence, will be absolutely inexcusable towards our employers, the people under our protection, and the British nation at large."

Objection of Mr. Hastings to a loan.

These are the different propositions which are taken up at different periods of time. Now, what is the ground upon which Mr. Hastings opposes this? Does he do it because the country was in such a state that there was no danger and no alarm? No! he says—"I am not quite so much frightened as you are. I do not think things wear so gloomy an aspect as you apprehend. I do not think we are in quite so forlorn a state, and that we are going to have an invasion here of Bengal, but I think we ought to provide against it; and for that reason I have provided."

But what is the objection to the loan? Why, while we

* Minute of Mr. Francis, 23d July, 1778.—Printed in the "Minutes of the Evidence," p. 1492.

have money and a chance of money we ought not to borrow, 29 FEB. 1792.
"because"—says Mr. Hastings—"if we borrow we must pay interest, and that will add to the distresses of the Company. Do not let us borrow till we want; for, if we do, we shall subject the Company to the expenses of two lacs and a half a year; besides, it will lock up so much money in the public treasury and take it out of circulation, which will be another disadvantage. I think it might be a bad measure now. Do the wealthy inhabitants propose to lend us money?—because, if they do not, my opinion is, it would have been an awkward appearance for us to be begging it. It might create an alarm in the settlement to be calling for it upon the present occasion, and make an impression unfavourable to our credit." This is Mr. Hastings' conduct. "Put the whole country in a state of preparation, but do not let us take those measures that are not immediately necessary and which will be attended with present bad effect. Do not sound an alarm in the settlement. Do not beat for volunteers to lend you money when you do not want it. I think with you that we ought to guard the country, but, if we have the money in our treasury that I think it is probable we shall have, probably we shall have enough. My sentiments are for not borrowing money, but taking measures for preparation." Now what inconsistency is there in this; or does it afford the least inference that Mr. Hastings did not feel the necessity, because he did not choose to borrow? A man might perfectly well decide against a loan, and yet think it necessary to have recourse to a measure of preparation.

Estimated deficiencey.

I would only just observe further upon this head, before I quit it, that, with respect to the estimate that they have given in evidence, to show Mr. Hastings to have been of that opinion that would make it improper for him to increase the resources of the country—in that very estimate, when it comes to be looked at, it appears, from the prospect Mr. Hastings had of it, that in that very year the expenses would exceed the income; consequently he had a prospect of running out. He, therefore, saw, at the time when he made his estimate, that, though there was a prospect of considerable wealth, yet there was a prospect—even if they had no addition of any other enemies—there was a prospect that it would gradually diminish, that it would become less and less.

Risk of blame in

Now, what an imprudent Governor must he have been and

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neglecting the precautions.

how wanting in his duty, if he had sat supine and done nothing, because he had a full treasury! If he had not looked out to every proper, fair, resource, what would have been said of him, when, in that very year, I think, that sum of money was actually exceeded, and when I find that so large had been the demand upon Bengal, that, in the month of June, 1780, a most important measure for the public safety was opposed upon the ground that we could not afford it—that we had then so small a sum in the treasury—that we were reduced to such utter poverty and distress—that we were unable to carry on the war in the present state of it? What would have been said to Mr. Hastings then? "Why did you not, in the year 1778, although you had a good deal of money in the treasury, look out to the possibility of calls for money, even though they were not foreseen? There might be demands for the other settlements. You know that for the exigency of a war they must all call upon Bengal. They could only maintain themselves on a peace establishment. [You know] that the Bengal treasury must supply all the exigencies of the empire. It was your business to keep it full as long as you could, by calling upon all the dependants of the empire to contribute towards it, to prevent that fund, which is the only one you had for exigencies, from being exhausted."

Assertion that only Cheyt Sing was assessed.

No other person in a similar situation with Cheyt Sing.

There is only one other ground, as to this measure, upon which the imputation of malice falls; and that is—that there was no general levy made upon persons in similar situations to Cheyt Sing. We have generally answered, that there was no other person in a similar situation. It lies upon the prosecutors to prove that there were any others. We were at issue upon it,—*et probatio imponitur ei qui affirmat.* It is enough for me to say they have not produced any proof that there is any other person in a similar situation with Cheyt Sing.

Circumstances of Cheyt Sing's position.

But, my Lords, is it gravely meant to be argued that it must have been malice to call upon Cheyt Sing, circumstanced as he was, when we knew what his situation actually was; considering the country he held—what his wealth and ability were? I will state it to your Lordships in only three words, and then I would ask any man living, whether Mr. Hastings must not have been a most partial and corrupt Governor if he had omitted to call upon Cheyt Sing for aid, circumstanced as he was, with the ability that he had to furnish it to the Company.

Surplus revenue of 270,000*l.*

In the first place, the country that he held at a

rent of 230,000*l.* a year, yielded, as we now know, 500,000*l.* a year. He had, therefore, a net surplus of 270,000*l.* a year. In the next place, he had great personal wealth. He had [an inheritance] from his father, who was covetous in the extreme, and who had long possessed the country and amassed great wealth: the report of the country was that he died worth a kror of rupees, which is a million sterling. That would have been accumulating, from the year 1770, and added to by acquisitions of his own down to 1778, a period of eight years; and, stating by any proper estimate the actual worth of Cheyt Sing at that time, by the savings out of his annual revenues added to the probable wealth derived from his father, I believe it is within compass to reckon him in possession of wealth to the amount of two millions sterling. That he had immense wealth is known to a certainty, by the treasure he left behind him when he left the country after his rebellion, and which was actually found in Bidjey Gur; and there had been considerable sums thrown over the walls of Bidjey Gur, and carried off. The Raja himself had gone off with all the money which he could carry, with a large vessel of jewels carried upon an elephant before him, filled to the brim; and, although he had gone off with all that portable wealth, there was found in Bidjey Gur by our troops very considerable wealth. He was, therefore, abundantly wealthy in point of personal property. He was abundantly wealthy in his zamindary: it yielded a very considerable surplus, over and above what his payments to government of his rent were, and over and above what could be wanted for his own establishment and expenses. He had, besides, the whole internal government and the collection of the revenues committed to him. We could not call upon him, as we could call upon other zamindars, for an increased rent. We could not do with him, as with other zamindars, holding at rack rent; for it is in charge with us that, with respect to the zamindars of Bengal and Behar, we have squeezed too much, and that they could not pay for what they were then holding, as the others were all holding at rack rents. According to your own account, this man alone stood in this predicament, holding at a certain rent, and being of that ability that, if you had a right to call upon him, you could not avoid calling upon him.

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Personal wealth inherited from his father.

Treasure found at Bidjey Gur.

Other resources.

Besides, in all the other parts of the country you could put establishments: you could provide for them. His

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Benares an integral part of the empire.

country alone you could not, because of the authority and power you had given him. He formed, as it were, an integral part of the empire rather than an individual member of it. If we could not call upon him, we could call upon nobody in the province; and, therefore, one entire province must be wholly left out, at the time when we were carrying on a war which loaded other provinces with a debt of 180 lacs—above a million and a half sterling—besides a floating debt. Are they to carry on a war to defend Bengal, Behar and Benares, and is not Benares to contribute when the others do contribute considerably towards supporting the Government? There being such an exigency as I have shown, and that probable cause for calling upon him, is it to be said that it must have arisen from malice, or is there not another obvious motive for it—the ability of Cheyt Sing to render the assistance he was called upon for?

Recapitulation.

These are all the grounds of charge upon this measure of preparation, namely, resolving to call upon Cheyt Sing to contribute his assistance in a time of war; and your Lordships are called upon to say, whether you can, in common charity, consider Mr. Hastings a person blasted with every crime, instead of being a man, as you have reason to believe from the evidence, blessed with every virtue; whether you can lay your hands upon your hearts and say, that you believe Mr. Hastings, when he proposed this measure to call upon Cheyt Sing to contribute towards the burden of the war, by contributing to the expense of three battalions of sepoys, was not actuated by a fair, obvious and probable, motive—by a sense of public duty, but you are to hunt after an unnatural motive, and to say that he was actuated by malice. You are to say that upon these grounds; every one of which, when examined, affords a contrary inference, and makes it his bounden duty that he could not possibly have abandoned it; and, if he had attempted to abandon it, every circumstance that is now selected as a ground of malice would have been all represented as frivolous, absurd and ridiculous, grounds of defence. If he had had recourse to them—if he had said—"I did not do it, because I had no authentic intelligence of the war. I did not do it, because the treasury was full. I did not do it, because no demands were made upon other persons,"—it would have been said, "You provide for all the other parts of the empire; this alone you leave out. All your pretences are miserable quibbles,

shuffles and evasions. Your real motive was partiality and corruption. You must have been bribed to leave this man out." It would have been a fairer ground for inference to say —"that was your object for leaving him out." But no man can in common charity, upon matter of suspicion, pronounce upon those grounds alone, upon his honour, that he suspects Mr. Hastings to have been guilty of malice and design to ruin Cheyt Sing, in pursuing this measure upon the motives and upon the grounds that were then before him. 29 Feb. 1792

CONTINUATION OF THE SPEECH OF THOMAS PLUMER, ESQ., COUNSEL FOR MR. HASTINGS, IN DEFENCE UPON THE FIRST ARTICLE OF THE CHARGE, RELATING TO BENARES ; 1 MARCH, 1792.

1 MAR. 1792.

My Lords,—After the time which, by your Lordships' favour, I have been allowed already to occupy, I cannot but feel some apprehensions lest I should be thought to have trespassed too long upon your Lordships' indulgence, without having made that progress in the cause which I had myself hoped for, and which, I fear, your Lordships will have expected. I am persuaded, however, from the indulgence which I have experienced from your Lordships, that you will make some allowance for the zeal and anxiety that I feel in the cause of a gentleman, who stands upon the issue of your Lordships' judgment of his guilt or innocence for the happiness and comfort of the remainder of an advanced life, devoted to the public service, and—what is much dearer too—for his good name and character, which he has laboured in so many years of service to maintain. I am persuaded your Lordships will participate in my feelings upon this occasion.

Apology for dwelling on preliminary matter.

If I have seemed to dwell too long upon the preliminary matter, your Lordships, I am persuaded, will perceive that it was necessary to take up some time in unravelling the perplexities which, upon that part of the subject, were attempted, to support opinions that appear to me not to be well founded. If I have dwelt too long upon the circumstances attending the measures that are in charge, it will be remembered that it is from trifling circumstances that inferences are drawn of the most malignant and wicked motives. My Lords, it has appeared to me, likewise, that those very grounds from whence these inferences are drawn, when attentively considered, would be found so far from warranting these inferences that they lead to a directly contrary conclusion. My Lords, the best return I can make for your Lordships' goodness, and the best atonement for what is past, will be to proceed in this examination with all practicable

despatch; and I am persuaded your Lordships will believe me to feel the great importance of every moment of time, both to your Lordships and to Mr. Hastings. 1 MAR. 1792.

My Lords, the subject which I was proceeding to discuss when I had last the honour to appear before your Lordships was, the measure proposed by Mr. Hastings upon the 9th of July, 1778: and I have endeavoured to examine that measure in every point of view, and to see how far the prosecutor had made good the charge he had undertaken to prove upon that subject, by establishing that the measure was, with respect to the nature and quality of it, a breach of treaty and a breach of duty; how far it was, in respect of the motive of it, originating in preconceived malice; and, with respect to the object of it, how far it could fairly be considered, upon the grounds that are stated in the charge, to have been directed with a view to harrass, oppress and ruin, Cheyt Sing. I have endeavoured, in the best manner in my power, to examine the grounds upon which both the opinion entertained of the nature of the measures and the suspicions respecting the motive and designs of it, were well founded. I hope I have succeeded in showing that in neither respect is the charge made good.

The measure proposed by Mr. Hastings towards Cheyt Sing not a breach of treaty.

I proceed now to trace this matter in the subsequent stages of the business, and to see whether there appear any traces of that bad and malignant motive towards Cheyt Sing in what passed at the Board upon the occasion, and in the manner in which this demand was communicated to Cheyt Sing, and obedience to it enforced. My Lords, I believe that all the mistake with respect to the conduct of Mr. Hastings towards Cheyt Sing will be found to originate in one or other of these three sources.

Charge of malignant motive.

Sources of mistake respecting Mr. Hastings' conduct towards Cheyt Sing.

First, an idea of Cheyt Sing's absolute exemption—that there could be no just demand made upon him, in a time of war or public extremity, for any assistance whatever. Upon that idea it is that all demands made upon him are represented to be breaches of treaty and acts of extortion and injustice; and, when that idea is strongly impressed upon the mind—that they could not justly be made—it naturally leads one to suspect the motive for doing it. If it could be once established that there was no right to make the demand, and that Mr. Hastings knew there was no right to make it, then the mind naturally looks out for some bad motive for doing it, because it is supposed that there could be no good

Cheyt Sing's supposed exemption from calls for assistance.

1 Mar. 1792. one. That seems to me to have been one of the sources of mistake in viewing the conduct of Mr. Hastings towards Cheyt Sing.

Assumed attachment of Cheyt Sing to the British nation.

The next source, is a strong opinion entertained of Cheyt Sing's submission, his attachment and his fidelity, to the British nation. It is upon that idea that every attempt to enforce the demands against him—every act done towards him—is looked upon as an unnecessary act of severity towards a person well attached to the Company, desirous of yielding to them all the assistance in his power, of paying due obedience to the authority of the state, and of observing on his part faithfully all the engagements by which he was bound. If the contrary be the case, if the idea of Cheyt Sing's attachment is not well founded, if he was not the person that he is supposed to be, that must be a very considerable source of mistake, in reviewing the conduct of Mr. Hastings and of Cheyt Sing, in the course of this business.

Preconceived malice of Mr. Hastings.

The third source of mistake I conceive to be, an idea taken up of there having been, on the part of Mr. Hastings, preconceived malice towards Cheyt Sing, and a determined purpose to effectuate his ruin. I hope I have succeeded in showing that that idea, with which the Article sets out to review the conduct of Mr. Hastings, is not well founded.

Caution against prejudice.

My Lords, when we are examining any history of any transaction, the first thing to be done, in order to know how far that history is to be relied upon, is to examine what are the opinions of that historian with respect to matters of right; what are the opinions entertained by him with respect to the character of the persons; and, in the very same manner as we should advise any person who was reading the history of England to be upon his guard with regard to prejudices that are entertained respecting the Stuart line or respecting the opposite party, in the same manner, any person reviewing the history of the conduct of those two persons would say—"In reading this history, you must recollect that it proceeds upon the supposition that there is no right to demand. You must recollect it proceeds upon a supposition of attachment in Bulwant Sing and attachment in Cheyt Sing; and it proceeds upon a supposition of Mr. Hastings' preconceived malice towards him. You must, therefore, be upon your guard when you find that such are the sentiments of the framer of this Article."

Now, my Lords, with that clue for reviewing all the sub-

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sequent proceedings, I think your Lordships will have no difficulty in discovering all the mistakes that are entertained upon the subject of Mr. Hastings' conduct.

Documents in evidence relating to the demand.

The first proposal of this measure is on the 9th of July, 1778, and is to be found in the printed Evidence, page 64. The answer of Cheyt Sing is in the printed Evidence, page 73. An agreement made with his wakil upon the subject, which is upon the 17th of August, 1778, is in the printed Evidence, page 73. A letter from the Resident of the 14th of September, 1778, which was not read, is in the printed Evidence, page 74; and the consultation of the 28th of September, 1778, is likewise in the same page of the printed Evidence. I believe these are all the documents that have been given in evidence upon this subject.

Debate on Mr. Hastings' proposal of the measure.

My Lords, Mr. Hastings proposed the measure in the manner that I have stated. It was taken into consideration, and there was a short debate upon the subject. That debate is in the printed Evidence, page 67. The first person who delivers his sentiments upon the subject is Mr. Francis; and, as Mr. Francis's minute is very short, I will, with your Lordships' permission, read it:—

Mr. Francis's minute.

"On the supposition that the detachment now employed under Colonel Leslie would not return for a length of time into the provinces, I acquiesce in the proposal relative to Rajah Cheit Sing; but I think he should be informed that this additional charge will not be imposed on him beyond the continuance of the present war."*

His acquiescence in the demand.

That is the whole of Mr. Francis's minute. It is a clear acquiescence in the propriety of the demand, but proposing only to restrain it in this manner—to inform him that it will not be imposed on him beyond the continuance of the present war.

Mr. Hastings immediately says,—

Agreement of Mr. Hastings not to continue the demand beyond the period of the war.

"The qualification proposed by Mr. Francis is consonant to my intention in the question, and is implied in it. I should have no objection to its being expressed in an additional clause."

It appears, therefore, so far, all are agreed in the propriety of the demand to be made, and the restriction of it during the war. Now what follows?—

"That our resolution upon the subject may be unanimous, I agree to add to the question the following words—'and to be disbanded at the end of the war;' but, perceiving that the difference in our opinion upon that subject arises not from a disagreement respecting the requisition

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* Extract from the Bengal Secret Consultation, 9th July, 1778.—Printed in the "Minutes of the Evidence," p. 67.

1 Mar. 1792. [simply considered by itself, but from a different understanding of the right of the Company to exact, under any pressure of affairs, more than the sum stipulated by the sunnud granted to Cheyt Sing, and the cubbooleat given by him in return, I must adhere to the question as it stands, wishing to avoid the question of right. If, however, we cannot agree upon the point, still I would wish to have the requisition made in the words of the question, and leave the decision] of the future right to our superiors."

Mr. Wheler.—"Wishing to avoid the question of right; I acquiesce in the motion; but I think it should be qualified in the manner proposed by Mr. Francis."

Approval by Mr. Barwell.

Mr. Barwell.—"An acquisition of revenue and military force I suppose to have been annexed to the grant of the zemindry of Benares and Guzzapoar to the Company. Any military establishment independent of the English administration in the heart of the Company's dominions may, in a time of danger, be turned against those interests which, under another policy, it would protect. I have long regarded the military establishment of Benares under the Rajah's native officers, and not subject to the discipline, command and regulation, of our own battalion as a defect; I, therefore, most heartily agree to the present proposal for three disciplined battalions to be kept up and paid by the Rajah, and sincerely hope the Company will direct that the whole force of Benares and Guzzapoar under the zemindry be placed upon the same footing as the regular military force of the Presidency."

The Governor General.—"I agree to the question in the original form of it,"—there is the proposition stated, and the grounds upon which he had formed his opinion—"deeming it a right inherent in every government to impose such assessments as it judges expedient for the common service and protection of all its subjects, and we are not precluded from it by any agreement subsisting between the Rajah and this Government."

Assertion by Mr. Hastings of the right.

Such were the sentiments expressed by Mr. Hastings, after he had had one day to deliberate subsequent to the arrival of the despatches, such as I have stated, intimating a declaration of war. He states his proposition and he states his reason. It is now fourteen years since that has been the subject of consideration, and I trust your Lordships will believe that every word of that proposition, in the very terms exactly as stated by Mr. Hastings, as the fair result of the most minute inquiry into every document, every principle, that can be stated applicable to this subject, is exactly this—"that we have the general right, and are not precluded from it by any agreement." I have endeavoured to show that we have that right, and that there is no agreement by which we are precluded from it. Such was the opinion entertained and expressed by Mr. Hastings; and it is for communicating that opinion and expressing it thus that Mr. Hastings is suspected of malice. He proposes that question to be referred to their superiors. I am not going over that ground again; the only observation I shall make

Question of right referred to the Directors.

with respect to this debate is, that the only doubt entertained by anybody was upon the question of right. With respect to the intelligence being sufficient to justify measures for preparation, and with respect to Cheyt Sing being—if we had the right—a person upon whom it was proper to make a demand, upon those subjects they were all agreed. Those even who differed upon the question of right concurred upon the question of expediency. The question of right was referred to their superiors. With respect to all other points they were all agreed, and had no doubt at all; yet is it supposed that it was Mr. Hastings' malice and a design to ruin Cheyt Sing that induced him to propose this measure!

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General concurrence in other respects.

My Lords, I would only make one observation with respect to the resolution which I am going to read to your Lordships. It has been said that on this subject it was only a desire to obtain his consent; and so could not be considered properly to be the act of the other members of the Board—of Mr. Wheler and Mr. Francis in particular. Mr. Barwell's is a very explicit consent, but that the other two persons are only adopting something that was to be matter of consent on the part of the Raja. Now it does so happen that the word "consent," which was originally in Mr. Hastings' proposition, is left out in the resolution. It is not inserted as a matter of consent; for, though Mr. Hastings' proposition was,—

Assertion that the concurrence of the Board was limited to obtaining the Raja's consent.

"That Rajah Cheit Sing be required in form to contribute his share of the burden of the present war, by consenting to the establishment of three regular battalions of sepoys, to be raised and maintained at his expense."

the words of the resolution are,—

"Resolved, that Rajah Cheit Sing be required in form to contribute his share of the burden of the present war, by the establishment of three regular battalions of sepoys, to be raised and maintained at his expense; and the Governor-General is to write to him to that effect."

Actual terms of the resolution.

If there be any force in the observation upon the word "consent," it is enough for me to show that the word "consent" was in the proposition, but was not in the resolution that Mr. Francis and Mr. Wheler concurred in.

In the next place, it seems a little extraordinary that that observation should be made; because, if it was only desiring something that he was to consent to, I do not know what was the necessity for discussing the question of right: and yet it does appear that that had been the only subject which was discussed, and which was the question distinctly referred

Disproof of the assertion by the fact of discussion of the right.

1 Mar. 1792. to their superiors. But, if this was only proposing something the Raja was to consent to, what was the use of referring it as a question to be decided by their superiors? But it is clear that this is a requisition in form; and it is in the nature of an order passed by the Board, who are the sovereign legislative authority in that country, subject to the controul of this; but, as between them and the natives of the country, who are under the authority of the East India Company, the Board at Calcutta have the full and complete authority and power to issue their orders, which are equally mandatory and of equal validity as a regular Act passed by the three branches of the Legislature in this country.

Authority of the Supreme Council over the native subjects of the Company.

If it is to be understood that a regular order passed by the supreme Board at Calcutta has not that validity, but that any of the zamindars or any of the native subjects in India may question the authority of it or may resist it, there is an end of all the authority of the British nation in India, and it is impossible to carry on that government.. The Board at Calcutta are subordinate to the authority of this country; but, as between the Board there and the natives, they have full sovereign authority delegated to them; and the exercise of that authority by them must be submitted to and obeyed by the natives who are under that government. Such, then, was the order passed by the authority established in that country.

The demand not sufficient to occasion Cheyt Sing's ruin.

Now, my Lords, it is supposed that Mr. Hastings intended to ruin Cheyt Sing. If he had had that intent, would he then have made a requisition of three battalions of sepoys, to be raised and maintained at his expense, that was afterwards reduced into a sum of money, and was estimated to amount to the sum of five lacs, which is 50,000*l.*? Was it likely that such a demand would have the effect of ruining the Raja? The amount of it is but one-tenth part of his annual income; and he had, in ready money and in personal property, from the best computation that could be made of it, to the amount of two krors of rupees—two millions sterling. It was, therefore, perfectly in his power. He had forty times the sum by him, and this was only a tenth of the annual income of his estate. If, then, there was a design to ruin him, this seems to be a very odd way to effect it; because, suppose this case:—a man who has an estate of a hundred a year, and has by him two hundred pounds in money, is called upon to pay fifty pounds, which is one half of it—would that ruin him? But put it as a tenth of it only, it

would be ten pounds; and a fifth of it, it would be twenty pounds. Now, could it be supposed probable that a man meant to ruin another who should, if he had a right to do it, call upon him to pay to the public exigency a sum that formed only one tenth of his annual income? Was it likely to effect such a consequence? 1 MAR. 1792.

Encouragement to resistance a surer means of ruining him.

There was one way by which it might lead to bad consequences to the Raja. If he had intended to ruin him, he would have procured the Raja to resist the demand; because by resisting it he might draw bad consequences upon himself, by paying it none; for he had it in his power to pay it at once. Therefore, a person who had that object in view would do all he could to provoke this man to withhold it, because by so doing consequences might happen that would be injurious to him. Let us see then whether we discover, in the manner in which this is communicated, and in the manner of conducting himself towards this person, that Mr. Hastings does act in a way in which a person would naturally act who was possessed of the authority of the Board, and who wished to obtain obedience to that authority; whether his acts are all of that sort, or whether they are such acts as might be supposed to be intended to excite the Raja to oppose the requisition, and thereby to provoke our resentment against him—which is supposed to be Mr. Hastings' object.

Examination of Mr. Hastings' conduct in this respect.

His letter to him in the name of the Board.

Mr. Hastings writes a letter to him in the name of the Board, which he was ordered to do by the resolution of the Board. I will, with your Lordships' permission, read the letter. It is dated the 11th of July, 1778:—

"War having been declared between the courts of Great Britain and France—by the former on the 18th of March, and by the latter on the 30th of March—I am to request of you, in my own name and that of the Board, as a subject of the Company, bound to promote their interest on every occasion, to contribute your share of the burden of the present war, which will equally affect your interest and ours. It has been determined by the Board that an establishment of three regular battalions of sepoys, to be commanded by British officers, be raised and maintained at your expense, and employed on such service as the situation of affairs may require. I have no doubt but, regarding this measure equally conducive to your own and the Company's interest, you will with the greatest readiness comply; and I hope you will intimate your consent without delay." *

Its conciliatory character.

Are there any symptoms in that letter of malice and of a

* Printed in the "Minutes of the Evidence," p. 1501.

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1 Mar. 1792. design to ruin him? Is there anything to provoke him to some act that might afford a pretence for violence against him? Can any letter be penned in language more conciliatory, pointing out to him what was the occasion of the requisition—war declared between us and our ancient rival in that country—between the courts of Great Britain and France? Cheyt Sing, therefore, has direct intelligence of an actual war. In what name does he call upon him for his obedience? "In my own name, as the principal member of the empire, and that of the Board;"—the authority that he was bound to obey, and had recently, in the year 1775, in the most solemn manner, upon his sword, sworn to observe his fidelity to, upon pain of forfeiting his zamindary and all its rights, privileges and emoluments—the express terms communicated to him at the time. He addresses himself to his interest, and explains to him, not only the duty he owed to contribute, but that it would affect his interest and ours. Here are all the topics that can operate upon the gratitude—that can operate upon the duty—that can operate upon the interest—of a faithful zamindar, such as he is represented to be; and Mr. Hastings says what, believing him to be a faithful subject, he would say, or, if he did not think so, what it was complimentary to say to him—"I have no doubt but that you will with the greatest readiness comply."

Does he with the greatest readiness comply? Now, my Lords, for his fidelity and attachment. The letter that Cheyt Sing writes in answer is to be found in the 73d page of the printed Evidence. This is the very first time that we have ever made any call upon Cheyt Sing, subsequent to the transfer of the sovereignty. During the time of his being subject to a former sovereign he had actually afforded us assistance with his troops. He had expressed himself in [such] terms that, if I recollect rightly, in one letter he says,—

Cheyt Sing's expressions of devotion to the Company when under the Wazir.

"The favor of the English is such that, if every hair of my head was a tongue, I could not express my obligations to them."

His actual answer to the demand.

He was abundantly grateful, kind and attached, when we were to protect him against his master. Now let us see how sensible he is of his obligations. Upon the breaking out of this war, on the first demand made upon this person for his assistance, it being his duty to render assistance, and possessing this ability to do it, what is the language of this person, whose letters are represented to be so complimentary,

so full of attachment, although they are disgusting and fulsome on that account? Why, my Lords, I have a very short letter, and with your permission, I will read it:— 1 MAR. 1792.

"I have been honored by the receipt of your letter communicating the intelligence of a war having broke out between the courts of Great Britain and France, and desiring me to take on myself a share of the burden of the expense. My patron, I am the servant of the sircar. I will write you more fully hereafter."—

that is, *ad referendum:*

"On all occasions I am hopeful of your Highness's favor and support."

Defers his consideration of it.

That is the whole letter! "I have received your letter. I understand the contents; and will write you more fully about it hereafter." Here is attachment! Why, I have heard, even in the northern climate of Europe, upon the breaking out of a war, of people offering lives and fortunes at once, even in the cold language of Europe; but here is a letter from this warm, faithful, humble, attached man. He says,—"I understand the obligation. I know what you say to me. I find there is a war. I am the servant of the circar." "Well then, what will you do?" "Why, I will write you more fully about it hereafter." There is attachment! But, however, says he,—"on all occasions I am hopeful of your Highness's favour and support. I hope for a great deal of support from you, but, as to giving you any, I will write about that hereafter."

Proof of lukewarmness.

This is the warmth of attachment with which we begin! It is rather cold, I think, considering what the obligation was; considering that this was the first demand made upon him; considering that this was the first proof that his fidelity was put to—to receive the call upon him in this way. One would naturally have supposed he would have said—"I wanted nothing but to know that there was such an occasion, and I am ready with all my troops, all my money, everything I have, to co-operate with you. I am ready with my life and fortune to support the empire which protects me, to which I owe my life and fortune. My father owed his life and his all to you. You have done all for me; I will co-operate with you." That was what you would naturally expect from a faithful and well-attached servant; but, instead of that, we see the first appeal made to him for assistance is received with this coldness; not a refusal, not a denial of the obligation, certainly, but a very cold reception.

Forbearance of Mr. Hastings.

What does malice do upon this? One would naturally suppose here was an opportunity for malice to exercise itself,

1 MAR. 1792. if malice had been looking out sharp for an opportunity to catch this man. We have notified the demand. We called upon him for assistsnce, and have received this answer to a positive order of the Board upon the subject; and, this being at least evasive, one would naturally suppose that a person who wished to oppress and to ruin him would aggravate and try to provoke notice of the coldness and evasion which his first letter upon the subject betrays. Now, what is the conduct of Mr. Hastings upon the subject? Instead of carrying the letter to the Board to make any complaint upon the subject, he puts the most favourable construction upon it that could be. Cheyt Sing had a wakil at Calcutta, of the name of Sheik Ali Nucki. Mr. Hastings was willing to suppose that Cheyt Sing meant to refer the matter to him. He had been long there as his agent, conducting all his business there; and, before he formed any unfavourable inferences from this letter, cold and evasive as it was, he had a mind to try what a personal application to the wakil would do, to explain to him the necessity, and call upon him to comply, in his master's name, with this demand.

Explains the justice of the demand to Cheyt Sing's wakil.

There is an account given, in page 73 [of the printed Evidence], of what actually passed with the wakil. Mr. Hastings explains to him the nature of this demand, and receives from Sheik Ali Nucki this answer, which sounds, in the terms of it, extremely conciliatory:—

> "Having called upon Sheyk Alli Nuckee, the Rajah's vakeel, for an explanation of his master's sentiments upon the subject, I received the following answer from the vakeel, being the subject of a long conversation; namely, that his master was at all times ready to pay obedience to the commands of the Board and to afford every proof of his attachment to the Company, and that the Rajah had authorized him to declare his acquiescence in the requisition of a subsidy, equal to the expence of three battalions of sepoys, for the service of the war."

Terms of the wakil's declaration of Cheyt Sing's intentions.

His acquiescence in the demand.

Now, there is a most distinct consent given, in the very terms of it, and to the full extent of it. The Raja had authorised him to declare his acquiescence in the requisition of a subsidy, equal to the expense of three battalions, for the service of the war. Your Lordships will be pleased to observe that the principle, as there stated, is admitted. He acquiesces in it, expressing his intent at all times to show his attachment to the Company; and it is not limited in point of time, but it is stated to be for the service of the war. The occasion is there so expressed. The original requisition was for three battalions of sepoys. Here is a consent to a commutation, to the extent of what might be

Commutation of original

1 MAR. 1792.

Demand to a sum of five lacs.

the expense. Upon this the amount is calculated, and it turned out to be four lacs 76,000 rupees; exclusive of tents, arms, and contingent charges. That was the computation made by the military officers; and, adding those other articles, made the amount five lacs.

Answer of the wakil. Endeavour to reduce the amount.

When this is stated to the wakil, he says—"Five lacs is too much. I cannot give five lacs; I will give three lacs;" and there does he stand haggling whether it should not be three lacs. That is all he will come up to. Says Mr. Hastings—"The amount is settled to be five, how can I take three?" "Then if you will not do that," says he, "I will only agree for one year, and I have no authority beyond that." Mr. Hastings having put down in writing the answer of the wakil, in order to preclude any possible doubt what his sentiments were upon the subject, having notified to him the whole of it, and shown him the minute he meant to lay before the Board, in order that the wakil might understand it, viz.:—

"The vakeel contended much for fixing the sum of the subsidy at three lacks of rupees. [The Governor told him it could not be less than five, and received his consent, in his master's name, and in virtue of the authority which he derived from the Rajah, to the payment of that sum for one year], his authority extending no further."

My Lords, this being the state of things—the Raja's own letter being cold and evasive, and the wakil, when it was notified that it was to be during the war, having himself acceded to the principle, yet wishing to narrow and restrain it to a single year, if that sum was required that was absolutely necessary—under these circumstances, Mr. Hastings proposes this—

Motion of Mr. Hastings for insisting on the demand.

"The Governor General is of opinion that, as the Rajah's consent has been expressed with such a limitation, alluded to in his written answer, that the payment of the subsidy ought not to be left subject to the contingencies which the course of the year may produce, but immediately demanded."—"On these grounds, he moves that the subsidy to be paid by Rajah Cheit Sing, for the maintenance of three battalions of sepoys during the course of the war, be fixed at the annual sum of five lacks of Muchlidar rupees, and that he be immediately required to pay that sum into the hands of the Resident, Mr. Thomas raham."

Your Lordships observe, that is throwing out the restriction of its being for a single year, and inserting that it was to be during the war, and to be a demand of the immediate payment of the whole.

1 MAR. 1792. Upon this, Mr. Francis gives in this short minute—

Acquiescence of Mr. Francis.

"I acquiesce; though, in my opinion, it would answer as well to us, and be less distressing to the Rajah, if the subsidy were added in equal proportions to the monthly kists of the tribute."

Proposal for payments in instalments.

Less distressing to the Raja to break it into instalments! Less distressing to this man who had all this wealth! Where this idea of distressing the Raja was got, it is very difficult for me to say. I can find no trace of it any where. The wakil did not suggest it. Cheyt Sing did not say a word about it. Why, it was known all over Hindustan that Cheyt Sing was a very wealthy man. Just before, in the year 1775, the minister at Oude said that the country produced fifty lacs; and the idea prevalent at Calcutta was, that it produced above seventy. Where was this idea of distress got, that it should be necessary to break it into instalments?

Cheyt Sing's wealth.

The first trace of the Raja's distress that I can find any where in the records upon the subject is upon the 17th of August, 1778. Your Lordships will find it extremely material to attend to this circumstance. Cheyt Sing was watching what passed at the Council Board, and had his wakil there to communicate to him all that passed; and by some means or other what did pass there actually transpired. Indeed it was always the case: whatever passes at the Board will, without any misconduct of any body, get out and be known. It is the business of the wakils there to watch and find out, if they can—and they do find out some way or other—what passes at the Board. Your Lordships will see that, in the very next letter that comes from the Raja, he takes up this very idea and this very proposition, in the terms that had been thrown out by Mr. Francis, on the 17th of August, 1778.

Proceedings of the Board watched by Cheyt Sing.

His adoption of Mr. Francis's suggestion.

Inconsistency of Mr. Francis.

My Lords, I would observe that we have here the concurrence of Mr. Francis to the propriety of this demand, and yet doubting not only upon the right, but doubting also upon the ability of the Raja to comply with it; and, consequently, I should think it fair to argue, that, if you are to infer malice in Mr. Hastings, who had no doubt upon either point, it is a much fairer inference of malice in him to do it, doubting of both the right to demand and the ability to perform. I impute malice to neither. I am sure there was not malice in either, but that they both acted from a sense

of duty and a conviction of the propriety of making the demand; the one not doubting upon either point, and the other, notwithstanding those doubts, thinking it his duty to acquiesce in both these propositions. 1 MAR. 1792.

My Lords, we have here, then, two unanimous resolutions of the Board, under the circumstances that I have stated, originally to the requisition; and now to the commutation of it into a sum of money. It has also the additional sanction, such as it is, if it required any, to the extent of a single year: it was the intention of the Raja to comply with it, if the wakil was to be considered as speaking the language of his master. He had expressed in the strongest terms his readiness to pay obedience to the commands of the Board, and to afford every proof of attachment to the Company. There are his professions; let us now come to proof—whether these professions were complied with and actually carried into execution or not.

Cheyt Sing's assent to the demand.

The next account we have of it is in a complaint from the Resident of the conduct of Cheyt Sing, in a letter dated the 14th of September, 1778, that is communicated to the Board. It is in the printed Evidence, page 74; but, as it was not read, your Lordships will permit me to read it, as it seems to me to be very material:—

Complaint by the Resident of his evasion of the payment.

"*Letter from Mr. Graham, Resident at Benares*:—'I think it necessary to inform you, that, notwithstanding seventeen days are elapsed since your orders arrived here, directing the Rajah to pay into my hands the subsidy he had agreed to pay, of five lacks of Mucklidar rupees, he has not yet paid me one rupee; and offers, as a reason, his inability to discharge the whole at once, and requests me to receive it by monthly payments, your Honorable Board's orders authorizing nothing of the kind. I have acquainted him that it is impossible for me to come into his request, and have repeated my requisition, which I have indeed been urging every day since the receipt of your orders, to pay me the whole amount as speedily as possible.'"

There, my Lords, is attachment! The order is communicated in every possible way in which it can come recommended, by every tie upon the Raja to obey it—by the Board—by letters—by the Resident in person: application day after day for the payment of the demand, which his own wakil had just before expressed his full approbation of to the extent of a year. When the very first demand is made of him for the immediate payment, here is the complaint of the Resident that—"though I have been dunning this man; have been calling upon him, day after day, for seventeen days together, he has not to this day paid me one

1 MAR. 1792. rupee; and he offers in excuse a false pretence, known to himself to be false, and known by every body now to be false, though imagined at the time by a gentleman at Calcutta not to be so, namely, his inability to pay. He offers that as an excuse which is notoriously false, within his own knowledge, and he desires to have the payment split into monthly instalments."

Cheyt Sing's proposal of monthly payments.

I should be glad to know whether anybody must not necessarily see from this conduct what was the behaviour of Cheyt Sing, and how he was watching to see when any person was for him and would suggest any excuse for him to make for nonpayment? The moment he heard an idea started in Council that was favourable for him, he takes up that idea immediately, and he proposes directly, in the very terms of it, the proposition that had been suggested by Mr. Francis.

Adopted from Mr. Francis's suggestion.

Mr. Francis's words are—

"That it would be less distressing to the Rajah if the subsidy were added in equal proportions to the monthly kists or tribute."

Cheyt Sing's words are—

"[Although I have no ability left, and the great burthen I laboured under, from the time of the decease of the late Raja till the expiration of theNabob Vizier's authority over me, is well known to God and your Excellency, yet, solely with a view to compliance with your orders and to prove my fidelity, having sold and pledged everthing belonging to me, I will make good the aforesaid in instalments in six or seven months."] *

Rejection of suspicion of its being communicated by Mr. Francis.

Now, how could this very identical proposition occur to two persons? How could he have got this notion of pleading poverty, when it was notorious that that was not the truth?—and how should he get that very same idea of adding it by monthly instalments to the payment of the annual tribute? And yet we see this very proposition, as soon as it could get to Benares, is instantly taken up by him, and he rests upon that, as an excuse for noncompliance with the orders of the Board.

I hope it will not be understood by anybody, in what I am now stating, that I do in the least mean to impute or to insinuate, in the most remote way, that the idea was communicated to him by the gentleman who started it, or that he induced him to do anything that he did do. Mr. Hastings has, himself, in the most honourable manner, acquitted him, deliberately, from his heart, of any part in it—"How-

* Letter from Cheyt Sing to Mr. Hastings, 28th September, 1778.—Printed in the "Minutes of the Evidence," p. 74.

ever I may in the moment of recent disappointment have suffered my mind to catch such a suspicion, yet"—says he, with a generosity that belongs to his character—"I do deliberately acquit him of it." It would ill become me, as an advocate, not at the same time to obviate every possible suspicion that I could have any idea that it was communicated to Cheyt Sing by that gentleman, or that he put it into his head: all I mean to contend is, that Cheyt Sing must have known of it. It is probable he did know of it; that the debates in Council would be known to his wakil, and so would be communicated to Cheyt Sing; and that he, who was looking out for every excuse or plea, would take up that plea, act upon it, and protect himself by it. 1 MAR. 1792.

Mr. Francis himself afterwards was perfectly satisfied of the futility of it, both upon the point of right and upon this man's ability; and, with the candour that became him, in the latter year acted in both respects, as I shall show your Lordships, directly concurring with Mr. Hastings in respect to Cheyt Sing, both in demanding and enforcing that demand, and likewise expressing his strong disapprobation of the conduct of Cheyt Sing respecting it.

Subsequent conviction of Mr. Francis of the futility of the plan.

My Lords, we have heard it said that Cheyt Sing was to be considered only in the light of a man not punctually paying his rent; that a short delay in it was only to be considered in the same light, and deserving no other punishment than paying the interest, or what had been the actual loss sustained by a temporary delay. I cannot think that that is a fair statement; and I cannot but observe the very different manner in which the conduct of Cheyt Sing is treated and the conduct of Mr. Hastings. It is malice in Mr. Hastings to make a demand; but inferences are drawn with respect to the resistance to that demand or noncompliance with it, so that it is softened into a mere nonpayment of rent. Now can it fairly or properly be so considered? Is it the nonpayment of a debt? Is it not the nonperformance of a duty—a duty of the highest nature—a duty of obedience to the state? If there was no gratitude due, yet here was an original obligation of tenure; here was a positive order of the Board which he was bound to obey, as much as any man in this country is bound to obey an act of the Legislature. Are we seriously to argue that a zamindar in that country, be he considerable or not, is to resist the authority of the state, and are we then to be told—"Oh, it is only to be

Cheyt Sing's conduct not merely unpunctuality in paying rent.

An act of disobedience.

1 MAR. 1792. estimated as a little computation of interest. It is nothing at all?"

My Lords, can that empire be maintained upon such principles? Obedience in a subject is in all cases necessary: it is most of all necessary in an absolute government. We all know how rapid the progress is from any delay to open resistance. In an absolute government it is bad; in India worse; in the English government in India worst of all; for this reason, because it is an authority maintained by a few foreigners over millions of persons. We maintain it only, as it has well been said, "by the thread of opinion;" and, therefore, resistance there—resistance, by a man approaching so near to independence as this person did, upon such a subject—calling for his assistance at such a time, in the breaking out of a war, not at the end of a war when you have exhausted resources arising from the war—resistance and disobedience under such circumstances cannot but be considered as a very heinous offence in the person who is guilty of it, and it betrays strong symptoms of his being not well affected to the empire of which he makes a part.

Necessity of enforcing obedience in India.

What is done in consequence of this behaviour of Cheyt Sing? The debate upon this subject is in the 74th and 75th pages of your Lordships' Minutes. A letter had been received from Cheyt Sing on the 28th of September: I will state it to your Lordships:—

Letter of Cheyt Sing.

"I have been honoured with your gracious letter desiring that I would, as a subject of the Company, take on myself the payment of five lacks. Although I have no ability left, and the great burden and expence I have laboured under, from the time of the decease of the late Rajah till the expiration of the Nabob Vizier's authority over me, is well known to God and your Excellency, yet, solely with a view to the compliance with your orders and to prove my fidelity—having sold and pledged everything belonging to me—I will make good the aforesaid in instalments in six or seven months."

Proposal of deferring payment.

So that, in order to show his readiness to comply with a demand of immediate payment and to prove his fidelity, he will comply with it in six or seven months! And your Lordships will observe that this is received upon the 28th of September, when two months had already elapsed. In order to show his prompt compliance with their orders for immediate payment, he will pay it in eight or nine months:—

Pretended poverty.

"Although by parting with my effects, which are clearly necessary, I am left in a state of inability for the future, [yet you will show me much favour, that I shall again recover myself. As a time is required for the

sale of my effects and raising the money, I hope from your kindness that the officers of government may take from me in different payments the said sum in Sonant specie, as I shall not be able to procure this sum in Muchledar rupees; and that you will be graciously pleased to affix your signature to my requests, that I may apply myself with satisfaction and assiduity to the] business of the sircar." * 1 MAR. 1792.

Now, my Lords, he is quite insolvent. He is selling his house; even his very necessaries he is obliged to propose to sell for the purpose of satisfying this demand. Upon this the Governor General says,—

Observations by Mr. Hastings.

"The substance of this letter and the requisition made by the Rajah to Mr. Graham differs so much from the cheerful and ready acquiescence which the Rajah's vakeel made in his master's name to the demand made on him for this subsidy, that I think it necessary, [for my own justification, to call upon the secretary to certify the accuracy of my minute, delivered on the 17th of August, containing the assent expressed by the vakeel, in his master's name, to the payment of the subsidy.—'The secretary acquaints the Board that the Governor-General delivered to him the minute above mentioned previous to his laying it before the Board, with orders to explain the contents of it to the Rajah's vakeel, that it might correspond with the acquiescence which he had delivered. He, accordingly, communicated the minute to the vakeel, and received from him a confirmation of] the terms therein expressed.'"

His motion insisting on the payment.

Mr. Hastings then moves—and here is the first motion with respect to Cheyt Sing, for enforcing obedience to the orders of the Board,—

"The Governor General moves, that orders be written immediately to Mr. Graham that he do, on receipt of this, demand of the Rajah in person the payment of the entire sum of five lacks of rupees in the space of five days, and declare to him, in the name of this Board, that his refusal or neglect to compleat the payment within that time shall be deemed equivalent to an absolute refusal; and that he be forbidden, in that case, to hold any further intercourse with the Rajah until he shall have advised us of the particulars of the Rajah's conduct in this instance, and received our orders in consequence."

Moderation of measures for inducing obedience.

That is all that Mr. Hastings proposes. Could anybody propose less than this—that the demand should be made of the Raja in person again—that demand that had been so often resisted; that he should give him five days to pay it in? What was he to do then? Why, declare to him that his refusal or neglect to complete it within that time should be deemed equivalent to an absolute refusal. Could his neglect under such circumstances be considered otherwise than a refusal? What was the Resident ordered in such case to do? He was forbid to hold any further intercourse

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* Printed in the "Minutes of the Evidence," p. 74.

1 MAR. 1792. with the Raja, until he should have advised the Board of the particulars of the Raja's conduct in this instance, and received their further orders. There is no censure, no punishment; nothing was done but that which was to induce this person to comply. When he would not comply with the orders of the Board, as notified to him from the Board, when he would not comply with the application of the Resident, Mr. Hastings proposes this, which he thought a more solemn way of demanding it, and which would, if the Raja had any sense of duty, induce him under such circumstances to comply with the order: and yet this proposition so stated is opposed! Your Lordships will see upon what ground it is opposed.

Opposition to the motion.

Grounds of opposition.

Doubt of an authority in the wakil.

The first ground of opposition is a doubt suggested—which had never been suggested before, when the proposition was made—a doubt suggested as to the authority of the wakil. Now it seems to me very extraordinary that such a doubt should be entertained, because the wakil had constantly been there the agent of Cheyt Sing, acting in his business; and it seems to me in the highest degree improbable that the wakil would, of his own accord and without an authority, have taken upon himself to do what you read he actually did; that he would do by his own authority what he had done, and as Mr. Hastings said immediately upon it,—

"I well recollect that the assent given by the vakeel [was expressed in terms the most peremptory that could be conceived, either confirmed by an oath or his own life pledged for the] performance of it."

And then he goes on to state what had actually passed. It is very improbable, as it seems to me, that the wakil would of his own accord have done this, which would only subject him to be dismissed by his master and held up as an impostor by the Board. If he had done this without authority it would have been of that sort.

Mr. Francis says—"There is no letter of credence." Mr. Hastings' immediate answer to that is, what seems to me a fair observation upon it:—

Answer of Mr. Hastings to the objection.

"Why, if I am not to consider the vakeel as authorised to do what he did, how must I consider the conduct of Cheyt Sing, who by his letter received upon the 36th of July promised us that he would write to us further particulars? This is the first letter we have since received from him, which is after an interval of two months. If the vakeel had not authority then, the Rajah's conduct must be extremely exceptionable indeed. What I thought a fair thing to do was, to consider the vakeel as having an authority, and so excusing the dilatoriness of the Rajah; conceiving the vakeel as speaking the sentiments of his master."

But, in truth, it appears there was no doubt upon that subject. Though a doubt was entertained at the time by Mr. Francis, yet it turns out afterwards, as I think your Lordships will easily perceive, that the doubt respecting the authority of the wakil was not well founded; because, if your Lordships will be pleased to refer to the 78th page of the Minutes, you will find that this person, whose authority is doubted of, Sheik Ali Nucki, is the very man by whom Cheyt Sing ultimately remits the payment of this very sum of money.

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The authority of the wakil shown by his acting as the medium for payment.

"The Secretary lays before the Board the following note from the Governor-General:—

"'[Sir,—I herewith send you four bills of exchange, this instant delivered to me by Sheikh Ally Nuckee, the vakeel of] Rajah Cheit Sing.'"

I also find that this same person is, in page 89, referred to by Cheyt Sing as his authorised agent; for he says, in a letter that was received from him upon the 27th of August, 1779,—

Recognised by Cheyt Sing as his authorised agent.

"Last year you directed Sheik Ally Nuckee that I should by any means, by disposing of my effects, or by borrowing, make this one payment."

It shows, therefore, that he is referring to a communication through the medium of this very person in the last year—in the year 1778—the very time when his authority is doubted; and, to complete it, I find this same person is named in Cheyt Sing's own defence, in page 116. He says —"After the arrival of Sheik Ali Nuckee I observe all the orders which you sent." My Lords, I think it, therefore, perfectly clear that, notwithstanding there was a doubt entertained upon the authority of Sheik Ali Nucki at the time, yet that that doubt was never suggested by Cheyt Sing himself in any part of his letter; and there does appear to be a sufficient confirmation of authority to exclude any doubt that the man acted with his authority upon the present occasion.

Another doubt entertained was—what is pointed out, I observe, in the Minutes—that one of the Council dissented materially upon the question of right. It certainly is very true that, upon this occasion, on the 28th of September, 1778, Mr. Francis did, for the first time, in his minute, discuss the question, and state his reasons for the doubt he had originally entertained—it is in page 76—but he at the

Mr. Francis's dissent on the question of right:

1 Mar. 1792. same time says—"I do not mean, by what I have said, that the Board should give up the demand which they have already thought fit to make of the Raja." Though Mr. Francis had entertained a doubt upon it, yet he did not propose that the demand should be relinquished, but only, as he said, that it should be prosecuted with moderation.

but insistance on the demand.

I shall not go into the arguments urged by Mr. Francis upon the question of right, because it is enough for me to say that those arguments did not convince himself—I mean at a subsequent period; I have no doubt that they did at the time; but they were not such as, upon a review of them in the year 1780, or even in the subsequent year, when the question came before the Board, on the 19th of July, 1779, which was the next time it came before the Board—to induce Mr. Francis to make any opposition to the demand of that year nor upon the subsequent year. Therefore, I apprehend, I have no necessity to enter into the question of right, having already discussed it, and having also shown that Mr. Francis himself did not act upon that opinion.

Mr. Francis's objection of the inability of the Raja.

Another idea upon which it was opposed, as started by Mr. Francis in this minute, is again upon an opinion of the disability of the Raja; for there Mr. Francis says—"the Raja must pay the money if he has it; but I cannot conceive why we should insist upon his paying it all at once. We do not want it, and it may distress him in the greatest degree to part with such a sum at a single payment."

What induced Mr. Francis to make any opposition upon this subject were those points that are stated, in which it appeared ultimately that he was mistaken; a doubt upon the question of right, which he afterwards by his conduct abandoned; a doubt upon the authority of the wakil, which authority was afterwards confirmed; and a doubt upon the ability of the Raja, which point was afterwards cleared up beyond a doubt.

I, therefore, think I am warranted in saying, that, if Mr. Francis had not entertained those doubts, which afterwards turned out not to be well founded, there would have been the full concurrence of Mr. Francis in the measures proposed by Mr. Hastings, who upon all these subjects had no doubt, but expressed his clear conviction of them. Mr. Hastings says—"with respect to his ability to pay the sum so long demanded of him, or even ten times that amount—I speak within compass—no man can doubt." It was, therefore,

Mr. Hastings' conviction of his

clearly Mr. Hastings' conviction that he had ability to pay the demand; and in that conviction he was well founded. 1 MAR. 1792. ability to pay.

My Lords, I have only one other observation to make upon the minute of Mr. Francis. I shall do it by reading a passage which seems to me to show the great importance, in the opinion of Mr. Francis himself, of unanimity in the measures of the Board, particularly as applied to Cheyt Sing; and that, when they were not unanimous, it did not carry the same weight and authority to that person; and also to show that Mr. Francis had the same idea, which, indeed, everybody else had, that, by some means or other, what actually passed at the Board did transpire and did operate upon the conduct of the Raja— Mr. Francis's appreciation of the importance of unanimity of the Board.

"My opinion is, therefore, that the liquidation of the present extra demand upon him shall be settled by kistbundy; and that he shall be assured at the same time that this Board will not make any further demands upon him. Under such a settlement, unanimously agreed to, it is not likely that the Rajah will delay or evade the due and regular execution of it, from any hopes he may conceive of future relief by a change in this government."

Why should it have that effect, "unanimously agreed?" If the Raja was not to know whether it passed unanimously or not, how could the circumstance of unanimity operate at all to give further weight to it, or prevent the Raja from evading and delaying to comply with it, and entertaining hopes from a change in the government? It seems to me, therefore, perfectly clear that unanimity was of importance; that it did operate powerfully upon the mind of Cheyt Sing; and when, from any circumstances of his own honest conviction, a gentleman at the Board found himself under the necessity of opposing it, yet that it was attended with that unfortunate consequence—that it became known to the Raja, and did induce him to delay or evade a due and regular obedience to the measure.

My Lords, I find Mr. Wheler, upon this occasion, says—

"I am for the question, but I am further of opinion that it should be left to Mr. Graham to determine whether to enforce payment [of the sum required of the Rajah for the present exigencies of the government by one payment, or whether to receive it by different instalments, not exceeding three months from the first payment to the completion of the whole." Mr. Wheler's opinion.

Mr. Barwell.—"The facts that have been related to the Board by the Governor General, speak the absolute necessity of the motion that has been agitated. In these sentiments it is incumbent on me to support it; and I think that, in order to its full efficacy, the Governor General should

1 MAR. 1792. be empowered to pursue such means as may] secure the government from the possibility of a future disappointment."

Agreement of the Board in Mr. Hastings' motion for requiring prompt payment.

The consequence was that the motion proposed by Mr. Hastings was carried; that is, that the Resident should call upon him for prompt payment, giving him five days to consider of it; and, in case of his nonpayment, to communicate to him that his nonpayment under such circumstances must be considered as a refusal.

Upon that a letter is written to the Resident, which is in page 77:—

Their letter to the Resident.

"We cannot consent to the request of the Rajah Cheit Sing to be allowed to pay the amount of the subsidy for the expence of the present war for one year by monthly kists. [Our orders communicated to him by the Governor General for the immediate payment were positive: we therefore confirm those orders and direct that, on receipt thereof, you wait on the Rajah forthwith, and demand of him in person and by writing the payment of the full sum of five lacks of the Muchlidar rupees, the sum at which the subsidy is fixed, in specie to that amount, to be made to you within five days of such demand; and declare to him in the name of this government that his evading or neglecting to accomplish the payment thereof within that space] shall be deemed equivalent to an absolute refusal; and that he be forbidden, in that case, to hold any further intercourse with the Rajah, until he shall have advised us of the particulars of the Rajah's conduct in this instance, and received our further orders in consequence."

Letter from Mr. Hastings to Cheyt Sing.

At the same time Mr. Hastings writes a letter to Cheyt Sing; and your Lordships will look again and see whether this indicates any disposition on the part of Mr. Hastings to provoke him to violence, or whether it does not intimate a desire on the part of Mr. Hastings to conciliate, as much as possible, and to win him over to comply with the orders of the Board. The letter is not in evidence; it is dated the 28th of September:—

"I have been favoured with your letter intimating your consent to the requisition made to you by this government, as a subject of the Company, to bear a part of the expence of the present war. I am pleased with your ready compliance. Of this, indeed, I could have no doubt, as your interest is equally concerned with the Company's in the success of it. The expence of keeping up three regular battalions has been calculated and found to amount to five lacks of rupees, per annum, at which rate your annual subsidy has been accordingly fixed. I am, therefore to desire, in the name of this Government, that you will pay immediately to Mr. Thomas Graham the sum of five lacks of Muchlidar rupees. Thus you will perform your duty to the Company and secure their favor and support."

The letter must, I fancy, have been written antecedent to the consultation I have stated. I find the Resident, by a letter that he writes upon the 27th of September, says,—

"In consequence of these orders, I have called upon the Rajah for the payment of five lacks of rupees, which I shall accordingly receive and remit." 1 MAR. 1792.

The next is a letter from Mr. Graham to the Governor General and Council, dated the 22d of September, 1778. Though subsequent in point of date to the consultation, yet your Lordships perceive it is a letter that was not before the Board when they formed the resolution that I have just read; and, therefore, I thought it fairer not to state that complaint which was not before the Board when the orders were made, which were proposed by Mr. Hastings. It is a letter from Mr. Graham to the Governor General and Council, in which he states the actual payment, but it is only, I think, of one tenth of the whole,— Letter from Mr. Graham to the Council reporting a payment by Cheyt Sing, 22 Sept. 1778.

"I have the pleasure to acquaint your honourable Board that last night the Rajah made me a payment of fifty thousand rupees, in part of the subsidy of five lacks. He has promised to send me as much more to-morrow or next day."

The next is a letter upon the 7th of October, 1778; in which, after referring to that letter, and stating that he was promised a further payment, he says,— Second letter from Mr. Graham.

"That period and three days more having elapsed without hearing anything [either from the Rajah or his servants, regarding the promised payment of fifty thousand rupees, I judged it necessary to remind the Rajah thereof by letter, as well as to recommend to him a speedy discharge of the remainder. This mode of application having several times repeated unsuccessfully, I deemed a personal interview, not only indispensable, but highly consistent with my duty, on which occasion I verbally demanded of him, in the name of the Company, payment of the balance of the subsidy; in reply to which he acquainted me, that he would pay no more here, but would send the whole remaining sum of rupees, 4,50,000, to his vakeel at Calcutta, who would pay it there. Finding him determined in this resolution, I desired he would furnish me with some testimony thereof, either by an address to your honourable Board, or, as it is more customary, to the Governor General, that I might transmit it to him; but this he positively refused me. These circumstances I have thought it my duty to inform you of, that you] may honour me with your commands."*

My Lords, the order was originally that he was to pay it to the Resident, and, therefore, the Resident naturally desired of Cheyt Sing that, as he positively refused to pay it to him, but promised to make the payment at Calcutta, he would furnish him with that sort of authority that should excuse him upon this subject. But that he positively refused. It appears by the consultation that I have stated to

* Printed in the "Minutes of the Evidence," p. 1504."

1 Mar. 1792.

Endeavour of Mr. Hastings to influence Cheyt Sing through his wakil.

your Lordships, of the 28th of September, that Mr. Hastings had taken another method of endeavouring to persuade the Raja to comply with the orders of the Board. He states that he had reason to apprehend that the Raja was induced to resist payment under expectation of support by a change of government; and, therefore, he goes to the wakil who was at Calcutta, tells him his suspicions, and desires him in the most urgent manner to write to Cheyt Sing, to request him not to act upon such hope—not upon that ground to neglect to obey the orders of the Board; that he must obey them instantly, and to request him to write with energy to Cheyt Sing upon the subject. Upon which, Mr. Hastings says, the wakil tells him that he had written upon the 12th of September, 1778. It is probable that the application made by the wakil to him in that way, telling him he was not to hope for a remission of this demand, and that he was not to act upon any such expectation, produced the effect, for at length, upon the 10th of October, 1778, the payment of the remainder of this demand was made, as appears from the printed Evidence, page 77. They immediately despatch a message to the Resident, to stop his doing anything under the orders they had sent him. They write this letter upon the 12th of October:—

Payment completed by the Raja on the 10th of October.

"Sir,—The Rajah Cheit Sing has, by means of his vakeel, remitted bills of exchange to us for the sum of four lacks [and fifty thousand rupees, which, with the amount paid into your hands, will complete the subsidy of five lacks required as his proportion of the burthen of the war with France, for the present year]; we, therefore, direct that you refrain from the execution of the orders contained in our last letter."

No unnecessary step taken to obtain payment of the demand.

Your Lordships see, therefore, that nothing more was done than what was absolutely necessary to induce the Raja to comply with the orders of the Board. The very moment that he does comply with their orders, the Board write to the Resident, to tell him to refrain even to execute their order to call upon him and to represent to him in the way therein stated. I, therefore, hope your Lordships will see that in the history of this first demand nothing was done, in any part of it, more than was absolutely necessary, in the mildest manner, to enforce obedience to the orders of the Board; and that the conduct of Cheyt Sing, so far from being the conduct of a faithful and well attached person, was such as betrayed the contrary sentiments, for it showed that he was not disposed to pay obedience to any orders of the Board, or to render any assistance to the Company that he could pos-

Reluctance of Cheyt Sing to assist the Company.

1 MAR. 1792.

sibly avoid. Immediately upon this, Mr. Hastings writes a letter to Cheyt Sing, dated the 11th of October, 1778, in which he says,—

Letter from Mr. Hastings to Cheyt Sing, 11 Oct. 1778.

"I have received your letter, containing assurances of your fidelity and attachment. I am pleased at the intimation of your assent to my desire respecting the mode of payment of the aforesaid sum, although it arrived somewhat late."

That was all the censure that was passed upon him in the first year. It was the gentlest hint to him that could be given,—

"And I doubt not but you will faithfully discharge your promise, by making the remittance to Calcutta at the specified time. Whilst you continue faithful and zealously attached to the Company, you may be assured that every measure will be adopted which will promote your interest and prosperity."

Customary honours bestowed on Cheyt Sing.

Immediately afterwards, in order to encourage the Raja, notwithstanding his conduct during this year had been such as I have represented it, yet to encourage him to obey with more fidelity in the subsequent year, the customary honours were bestowed upon him, in the way most acceptable to himself. That appears by a letter written by the Resident upon the 9th of November, 1778:—

"Rajah Cheit Sing having pitched upon this day as a lucky one to receive the honor of the khelaut, I accordingly invested him with one in the usual form, and delivered to him at the same time your honourable Board's release for his last year's tribute. I did not fail upon this occasion to remind him how much a continuation of such marks of your favor depended upon a regular adherence to his engagements with the Company."

Absence of evidence of malignity in the treatment of Cheyt Sing.

Here is the treatment Cheyt Sing receives the very moment he complies. A conciliatory letter is written to him, and the customary honours bestowed upon him, without any thing more done than to exhort him to further future obedience, telling him that upon that would depend the further countenance and favour of the Company. I desire to know, having gone through the business of the first year, whether there is, in any part of it, anything to be discovered like a trace of that bad and malignant mind—endeavouring to ruin this man or to force him into some act that might afford a pretence for violence against him?

The next measure with which Mr. Hastings is charged is,—

Charge of extortion of five lacs in 1779

"That he did further, in the month of July, 1779, extort a like sum of five lacks of rupees from the said Rajah Cheit Sing, under similar or such like pretences, and did compel the payment of the sum by means

1 Mar. 1792. — and of 10,000*l.* for expenses in forcing payment.

of military force; and did also extort the payment of a further sum of 10,000*l.* sterling, or thereabouts, under pretence of paying the expences of the said force."

Demand justified by war having been declared.

Extort a like sum of five lacs of rupees under similar and such like pretences! What were the pretences upon which the first sum was demanded? A "pretence of war, of which he had no authentic intelligence:" this is under a similar pretence, on the 19th of July, 1779, when they had received an actual account of the declaration of war!—"Under similar and such like pretences;"—it still is only a pretence, though there is an actual declaration of war! Why, my Lords, this extortion of the five lacs of rupees is upon the 19th of July, 1779, and that your Lordships will find in the printed Evidence, page 87. The subject had in the course of the preceding year been fully discussed. Mr. Francis had expressed his doubts upon the subject; he had stated the arguments that have been pressed since upon the subject, to induce him to think there was no right to make the demand. Now we come to a renewed proposal of making the demand.

Danger of retracting orders.

I trust your Lordships will agree in the propriety of this observation, that, in the case of a government like ours in India, it is extremely mischievous, after an order has passed, to retract it upon the disobedience of the person whom it concerns. It is certainly very important that, prior to the passing of an order, you should deliberate well upon the subject; but a deliberation after you have passed it comes too late, and is mischievous. Deliberate before you resolve; but when you have resolved, you must then enforce obedience to it. Here we come, upon the 19th of July, 1779, to consider whether it would or not be proper to make this demand upon Cheyt Sing:—

Consultation, 19th July, 1779. Mr. Hastings' proposal to make a second demand on Cheyt Sing.

"At a Council—present, Warren Hastings, Richard Barwell, Philip Francis, Edward Wheler, Lieut.-General Sir Eyre Coote indisposed, four persons present—the Governor General delivers in the following minute: —'It having been resolved in secret consultation of the 9th of July, 1778, that Rajah Cheit Sing should be required in form to contribute his share to the burden of the present war with France, [by the establishment of three regular battalions of sepoys, to be raised and maintained at his expence, and the amount of the subsidy fixed by the Board in consultation of the 17th August following, and agreed by him to be paid for one year, being five lacks of Muchlidar rupees, as the year is now expired, I move that he be at this time required to contribute the like sum] as his share of the expence of the war for the current year.'"*

* Printed in the "Minutes of the Evidence," p. 89.

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This, your Lordships see, comes under different circumstances from the proposal of the last year; because the consent of the Raja by his wakil, such as it was, operated upon the last year, if it had any operation at all, but did not operate upon the present, for here was no consent, but a proposal to demand of him the sum for the second year of the war. What is the consequence? Four members of the Council being present, they agreed to the Governor General's proposal, without a single syllable of doubt, debate or hesitation. There was no question either upon the right or upon the ability of Cheyt Sing, nor a single word of objection made to the making this demand. In the first year, the proposal might come by surprise upon them, without having previously considered it; but, having in the course of that year considered it, and now being called upon—"have you any objection to the demand? We are not yet committed in making the demand upon him. Now is the time to discuss it. Have you any objection to it?" Not a word of objection! That is upon the 19th of July, 1779, and that is ordered to be communicated; and it is communicated, in a letter written to the Resident upon the occasion, stating the necessity for it:—

Cheyt Sing's consent not required.

Concurrence of the Council in the demand.

"That the period of one year being expired, and the war still continuing, we find it necessary to maintain the same force, and to require that the Rajah should be at his share of the expence. You will, therefore, at this time, demand from him payment of the above sum, as his proportion of the charge for the current year."

Letter to the Resident.

"Agreed, that the Governor General be requested to write to Cheit Sing, acquainting him that the period of one year for which [he agreed to pay five lacks of Muchlidar rupees, as his share of the burden of the war with France, on the 17th of August, 1778, is expired; and, as the continuation of the war makes it still necessary to maintain the same establishment of troops for the defence of the country, the Board deem it requisite he should at this time contribute a further sum of five lacks of Muchlidar rupees, as his share of the charge for the current year."]

In compliance with this resolution of the Board, Mr. Hastings writes to Cheyt Sing upon the 21st of July, 1779:—

Letter from Mr. Hastings to Cheyt Sing, 21 July, 1779, demanding payment of five lacs.

"Your engagement for the payment of an annual subsidy for your share of the expence of the war being expired, and the war still continuing and the same force being necessary to be kept up, I am, therefore, to desire that you will pay to Mr. Thomas Graham a further sum of five lacks of Muchlidar rupees, as your proportion for the present year. Mr. Graham has, accordingly, orders to receive it from you, and it is necessary that you do not delay to pay it to him."

Now, this is the second year of putting to the proof the fidelity of the Raja. His disobedience in the first had been

1 Mar. 1792. passed over without any censure upon him; without any notice more than I have stated. This is the second year of the war actually raging in the country. The demand made upon him was communicated to him in this manner by Mr. Hastings, desiring him not to delay. My Lords, this letter from Mr. Hastings would arrive about the 31st of July. I believe it will be found, a letter takes about ten days in going from Calcutta to Benares; I understand not quite so long. The first letter upon this subject from the Resident was dated the 16th of August, 1779. It is in the printed Evidence, page 88. Your Lordships will find that to be again a letter of complaint of the conduct of Cheyt Sing—

Letter from the Resident, complaining of Cheyt Sing's conduct, 16 Aug. 1779.

"Immediately on the receipt of your honourable Board's letters of the 19th ultimo [directing me to demand of Rajah Cheit Sing payment of the sum of five lacks of Muchlidar rupees, as his annual proportion of the burden of the present war with France, I waited upon him] and, at the same time that I communicated the orders of your honourable Board to him myself, I delivered to him the Governor General's letter in confirmation thereof. He then gave me for answer, that he had not the ability to discharge the demand. As this was similar to the answer he gave me when I demanded payment of his subsidy for the last year, I did not consider it as a definitive one, and, therefore, continued in renewing my demand every second day. Finding, however, that he holds to the terms of his first reply, and seeing no probability of a speedy change in his sentiments, I am unavoidably reduced to the necessity of applying for your honourable Board's further instructions on this head."

His refusal to pay.

Here, my Lords, then, you see a man of ample ability to pay [refusing to do so] upon the same renewed pretence of inability, in the second year of the war, notwithstanding every application made to him by the Board, by the Governor General, by the Resident. In this manner does he, day after day, refuse payment of the sum upon this pretence. Here is a complaint made against him by the Resident, who applies for the Board's instructions. "I am unavoidably reduced to the necessity of applying for your honourable Board's further instructions on this head." Were they not to give him some instructions? Were they not to do something; could they acquiesce in these excuses? Could Mr. Hastings, who knew his ability, admit of the justice of that plea? Must he not have considered this as an evasion? What could he do? Last year they tried what entreaty—they tried what argument—they tried what conciliation would do. Mr. Hastings had written to him himself, in the commencement of this year, telling him—"it is necessary you should not delay." He does delay. Then is there not

now an absolute necessity for having recourse to some compulsory means to oblige this man to obey, who will not obey by fair means? A letter is received from Cheyt Sing which is a most extraordinary one, considering the known situation of this man. Your Lordships will find it in the printed Evidence, page 89 :— 1 Mar. 1792.

Letter of Cheyt Sing.

"My situation is well known to you, and I assure you without reserve that I have no ability left, nor is there any mode of relief for me but in the exertion of your favours. I am truly convinced that it is your desire, who are my masters, to support me your servant, and last year you directed Sheikh Ali Nuckee that I should by any means—by disposing of my effects or by borrowing—make this one payment and I should not be called on in future; and that you would take every means for my advantage and support."

Mis-statement respecting promise of Mr. Hastings to limit the demand to the first year.

Because Sheik Ali Nueki would not comply generally for the whole war, but wanted to limit it to a single year, Mr. Hastings proposed, on that very account, that the orders of the Board should be couched in terms excluding that idea—that it should be for the whole war; and yet this man quotes Mr. Hastings as having said to Sheik Ali Nueki that he should only be called on for that one year, and not be called upon afterwards, which was directly contrary to the fact; as it appears in evidence, Mr. Hastings, for that very purpose, excluded the idea. He speaks of disposing of his effects or borrowing to make up the sum. Why, Mr. Hastings never had the least idea but that he was able to pay it. He declared that he had ability to pay this sum or even ten times the amount; no man could doubt it. Then is it probable Mr. Hastings should have stated that he was by borrowing to raise the money? He goes on—

"I accordingly put in practice [every method in my power, and by loans make good the requisition]. It is now absolutely out of my power to raise the sum required, and I am, therefore, hopeful that you will be kindly pleased to excuse me the five lacks now demanded."

His claim of right of exemption.

Your Lordships will now attend to what follows, recollecting that, at the last consultation antecedent to this, namely, upon the 28th of September, 1778, there had been an intimation from the gentleman whom I have named that we had no right to call upon Cheyt Sing, beyond what was stated in the sanad or the patta. He had stated that to be his opinion. Antecedent to that period, there had not been the smallest doubt suggested by Cheyt Sing of the right. The very next letter that comes from Cheyt Sing upon the subject takes up that very precise idea, and he desires to be

1 Mar. 1792. excused upon that very ground of its not being comprehended in the patta. He goes on to say—

"You will be kindly pleased to excuse me the five lacks now demanded, and that nothing may be demanded of me beyond the amount expressed in the potta, which, through your favour, I obtained from the honourable the English Company. [This rajee and zemindary, and my dignity, are the gifts of your Highness. I have judged it necessary to represent to you my inability and] helpless state."

Suggested to him by the discussions in the Council.

Now is not this very strong, to show that what was passed in Council did transpire and did operate upon the conduct of Cheyt Sing, when I show in two instances that doubts suggested in Council are the very next time taken up by Cheyt Sing and introduced into his letter? You see, for the very first time, the idea of inability is taken up, immediately after doubts had been expressed as to his ability; and now the question of right is taken up in a letter that immediately follows the debate upon that subject. It undoubtedly, therefore, was, as Mr. Francis well observed, of infinite importance that there should be unanimity in the measures that respected Cheyt Sing.

Proposal of Mr. Hastings to threaten the Raja with troops.

Upon this occasion Mr. Hastings proposes thus:—

"I move that the Commander-in-Chief be desired to issue an order for the march of two battalions of sepoys from the nearest station of the army, [excepting the first and temporary brigades, to Benares, on the requisition of Mr. Graham, and there to remain for the further orders of the Board. That the whole expence of this detachment from the day of its march be exacted from the Rajah of Benares. That this resolution be communicated to him by the Governor General, and that the Resident be ordered to inform the Rajah of it, repeating his demand for the sum required; and, in case of his refusal or non-compliance with his demand, to give immediate notice to the officer in command of the detachment] that he may march accordingly."

That is the measure; that is the subject of crimination, as it is stated here in the Article—

"and did compel the payment of the same by means of a military force, and did also extort the payment of a further sum of 2,000*l.* sterling, or thereabouts, under pretence of paying the expences of the said force."

Warning to be given him of the intended compulsion.

There is the measure first suggested: that is the subject of this part of the Article. Your Lordships will have observed that recourse was not to be had to this mode of compulsion till there had been previously tried another request; because it is said "that this resolution be communicated to him by the Governor General, and that the Resident be ordered to inform the Raja of it, repeating his demand for the sum

required." It was, therefore, intended to proceed in this manner—to repeat the demand; to notify to him what were to be the consequences if he did not comply; to give him an opportunity, therefore, of preventing those consequences by compliance; and it was only in the event of his refusal or non-compliance that the troops were to be sent for. 1 Mar. 1792.

Your Lordships see that here, when Mr. Hastings does propose to have recourse to any compulsory method, he does not propose to employ a military force—the only compulsory method that could be adopted, or that is practised in that country, as your Lordships well know, for all the revenue of the country is collected by a military force—till every measure had been tried, namely, a repetition of the demand, and apprising Cheyt Sing of what was to be the consequence of his non-compliance, and that he would have to pay the expense of the military. Could anything more have been done than this? He had every opportunity given him of preventing the necessity of having recourse to force. This is opposed. The persons present at this consultation were the same as I stated at the last, with the addition of Sir Eyre Coote. This appears to be the first time the subject had come before him. He had arrived a few months before, and here he is present at this debate upon this subject; and your Lordships observe that the measure respected something to be carried into execution by him, for Mr. Hastings' motion was, that the Commander-in-Chief be desired to issue an order for the march of two battalions of sepoys from the nearest station of the army.

Consultation of the Council.

Sir Eyre Coote agrees to the motion.

Mr. Wheler—"I am against it."

Mr. Francis—"I never approved of the additional demand beyond his stipulated tribute."

Objection by Mr. Francis.

"You never approved of it! Why, you voted for it upon the 19th of July, without objection. Did you then vote for what you did not approve, because you state here—'I never approved of the additional demand?' Then why do you vote for it without objection? Were you not bound, if you did not approve of it, to state why you did not approve of it, and to state it at the time when the measure was under consideration, to prevent the Board's doing what ought not to be done? This is the time to make objections; not to make objections when the order is attempted to be

1 Mar. 1792. carried into execution and is resisted. To object then is too late; and it is dangerous." When Cheyt Sing resists it, or will not obey it, then Mr. Francis says—

"I never approved of the additional demand beyond his stipulated tribute; I cannot, therefore, concur in the measure proposed. I firmly believe it to be unnecessary even for its avowed purpose!"

Whether the opinion that it was unnecessary for its avowed purpose was well founded or not will presently be seen by the event: for I will show your Lordships that this measure was so far from being unnecessary that it was absolutely necessary; that they write to him, and the renewed demand upon him was not sufficient, and the Resident, of his own accord, found himself ultimately compelled to send for the troops; and that the Board, by a subsequent order, were obliged to renew their order to the commanding officer to march with the troops to Benares; and, till that had been done, the Raja never did comply with the demand. The opinion, therefore, of its being unnecessary was not a well founded opinion:—

Order subsequently given for the march of troops.

"And I am very much afraid that it will be attended with consequences ruinous to the Rajah and to his country. That country is now one of the richest jewels we possess. [The great revenue we draw from that country may be permanently secured under mild and equitable treatment.] Measures of a different nature may extort more for a moment, but they will ruin the future resources."

Mr. Barwell observes, I think very well, upon that:—he says—

"It rests with the Rajah himself to discharge his quota of the expence of the war voluntarily, or to be compelled to it. I agree to the motion."

Mr. Hastings says—

"Benares is not a jewel in our possession, if we leave the Rajah an option to obey or disobey orders of his superior government, and to maintain himself in the independency of a tributary prince. As for the ruin pretended from this order, the terms of the question itself put it into his power to prevent even the execution of the order; and more I shall not upon this occasion say."

It seems to me to acquire no addition to the argument, which is decisive. It could not operate to the ruin of the Raja, because it was in his own power by immediate payment, by the very terms of the proposition, to prevent the execution of it. This is the Consultation of the 26th of August, 1779. It is in pages 88 and 89 of the printed Evidence.

My Lord, it appears that this order arrived upon the 9th of September, and was communicated to the Raja. The

letter of the Resident upon that occasion is, I believe, not given in the evidence. It is dated the 19th of September, 1779. He states his having last night received their order, having also received the honourable Governor General's letter to the Raja on the subject, which he had sent to him, with a letter from himself, requiring his immediate compliance with the orders contained therein; and he mentions his hope that he should not be compelled to have recourse to the discretionary power lodged in him, to compel payment. I am afraid I have mislaid that letter from Mr. Hastings, which is a material one, urging the Raja in the strongest terms to comply with the order of the Board and to pay this sum, without their being any necessity for having recourse to this order.*

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Letter of the Resident to Cheyt Sing on receiving the order.

Letter of Mr. Hastings to Cheyt Sing.

Your Lordships observe that the order is communicated to the Raja upon the 9th of September, 1779. Upon the 12th Mr. Graham writes to the Board,—

> "I have this day received an answer from Rajah Cheit Sing to the letter which I informed your honourable Board I had written to him on the 10th, requiring his compliance with your orders, wherein he sends me an answer to the Governor General's letter, which I have transmitted to him, and acquaints me with his having consented to the payment of the five lacks of rupees. As, however, he still holds forth his original plea of inability, I have every reason to apprehend he will be very dilatory in his payment. I beg, therefore, to be favoured with your honourable Board's orders as to the conduct which in such case I must observe towards him.

Letter of the Resident to the Board, 12 Sept. 1779.

My Lords, the effect, therefore, of the orders was to produce a promise of payment, but nothing more, and under circumstances that induced the Resident to apprehend that he would be very dilatory in his compliance with the orders; so much as to induce him to apply to the Board to know what in that case he was to do. It seems to me that the Resident need not have applied for further orders, because he was expressly told, if the Raja, upon being informed what was to be the consequence of nonpayment, did not immediately pay the money, he was vested with a discretionary order to send for the troops to compel payment.

Cheyt Sing's promise of compliance.

Mr. Graham writes, upon the 16th of September, 1779—

> "Although four complete days are now elapsed since I had the honour of informing you of the Rajah's having consented to the payment of five lacks of rupees, and although I sent him a suitable reply to the letter he

Letter of the Resident, 16 Sept. 1779.

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* See the letter recited in the following page.

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wrote upon the occasion, and at the same time repeating my request [for a person being sent to me sufficiently qualified for discharging the amount, no one has yet come, nor has any money been paid me. On the contrary, through his vakeel], he has solicited to be indulged with time, but without specifying any period, which leaving room for no other answer than desiring him to conform to the orders he has received from your honourable Board through the channel of the Governor General, I have sent a person to attend at his durbar to require his speedy compliance therewith."*

Here, then, my Lords, the threat is not sufficient to do more with this person than to induce him to promise, but not to pay. I believe I have now found the letter from Mr. Hastings which is dated the 28th of August, 1779,—

Letter of Mr. Hastings to Cheyt Sing, 28 Aug. 1779.

"I have received your letter in reply to that one I wrote to you, requiring your payment of five lacks of rupees [as your share for the present year of the expences of the war, and am greatly astonished at your refusal and pretended plea of inability, it being very inconsistent with the duty you owe to the Company. I now repeat my demand, that you do, on the receipt of this, without evasion or delay, pay the five lacks of rupees into the hands of Mr. Thomas Graham, who has orders to receive it from you, and authority, in case of your refusal, to summon the two battalions of sepoys, under the command of Major Carnac, to Benares, that measures may be taken to oblige you to a compliance, and in this case, the whole expence of this corps from the time of its march] will fall upon you."†

Here was an intimation to him of what was to be the consequence, as well by an order of the Board as an express letter from the Governor General. Could any person do more to prevent having recourse to those means?

Mr. Graham writes, upon the 17th of 1779,—

Letter of the Resident to the Board, 17 Sept. 1779.

"I had the honor to address you last night, informing your honourable Board of the steps I had taken towards obtaining payment of the five lacks of rupees from Rajah Cheyt Sing. I this day received a letter from him, of which I beg leave to submit to your consideration the following translate:

"'The situation of my affairs [is well known to you, and I have repeatedly represented the particulars to you. The five lacks of rupees on account, a proportion of the expense of the war, conformably to the injunctions of the Honourable English Company, I have for this time agreed to pay, neither am I dilatory or inattentive in providing for its discharge; but the amount is considerable and can only be liquidated by degrees. Within the space of four months I will pay it to you by instalments, to the end of the month of Yelkidge (corresponding nearly to the middle of the English month of January ensuing), I will compleat payment of the whole. What is now preparing is part of the aforesaid sum of five lacks: it shall be paid to you on Thursday next, the 12th of Rumzan. My thoughts are not a moment at rest from this matter; but

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* Printed in the "Minutes of the Evidence," p. 1509.

† Ibid., p. 1507.

from incessant applications, inconveniences are occasioned to the provision, and my endeavours are interrupted from your indulgence]. I will discharge the amount in manner above specified.' "* 1 MAR. 1792.

So that here is a most extraordinary effect of repeating the application. It prevents a compliance with it. "You ask me so often for it that I cannot pay you. It is extremely inconvenient to desire me so often as you do to pay you. Why, I cannot pay you if you do so." And, with all these pretences of poverty, of his inability, and that it is a large sum, and so on—all these pretences of evading the payment of it—the Resident desires to have their orders on the subject of the foregoing letter. The idea of instalments is rejected by the Resident, and the demand made for the whole without delay. Cheyt Sing writes to Mr. Graham upon the 25th of September, 1779,—

Letter of Cheyt Sing to the Resident, 25 Sept. 1779.

"I received your letter about the five lacks of rupees, and understand the contents. I have before made known to you my distressed situation—that I have not power to comply; and I have also sent an arzee in answer to that letter from the Presidency which you delivered to me. I have no power to comply. I discharge the revenue according to the potta. I am hopeful that this order may be revoked."

Then, my Lords, here is a letter from Cheyt Sing to the Governor General. This is in page 91 of your Lordships' Minutes,—

Letter of Cheyt Sing to Mr. Hastings.

"Every two or three days am I called upon to pay five lacks of rupees. [Your gracious letter on this subject honoured me by its arrival. I have despatched an arzie in answer, which will have been presented to you. In obedience to your order, I last year, by every means, and borrowing from all quarters, raised that sum, and at that time you promised me it should not happen again. I have it not in my power at present. You have before honoured me with the title of son, and regarding me as your son you have protected me, I am, therefore, hopeful that I may be excused from this requisition."

There are in the consultations two letters; one from Raja Cheyt Sing to Mr. Graham, received the 20th of September, 1779; the other, from the Raja to the Governor General, inclosed in the foregoing; both written subsequent to the communication of the order for immediate payment and a threat of the consequences. On the 25th of September, 1779, Mr. Hastings writes a letter to Raja Cheyt Sing, which is in the printed Evidence, page 91:—

Letter of Mr. Hastings to Cheyt Sing.

"I received your letter; from the contents of which, as well as from the letter of Mr. Graham, and the copy of a letter which you wrote to that gentleman, and which he transmitted for my inspection, it

* Printed in the "Minutes of the Evidence," p. 1510.

1 MAR. 1792. appears but too clearly that, instead of a cheerful compliance with the requisition of this Government, in the immediate payment of the sum of five lacks of rupees, as your share of the expences of the war for the present year—a requisition which the great burden of expence under which the Company labours for the defence of the country renders necessary, and to which you, as a subject of theirs, are bound to contribute—you have thought proper, under the plea of inability, which is well known to be futile, to endeavour to amuse the Resident with vague and distant promises, meaning probably to protract, if not entirely evade, the payment of the sum required of you. In a letter which I lately wrote you, I informed you in express terms that this Government neither could nor would recede from so reasonable a demand; and added that, in case of non-compliance on your part, Mr. Graham was authorised to summon a detachment of our forces to enforce our orders, if it should be found necessary. This I hoped would have opened your eyes and induced you to relinquish a conduct which must, if pursued, bring the greatest disadvantage on you; but, since even this intimation of our determination has proved ineffectual, I now think it necessary to inform you that we have desired the Commander-in-Chief to despatch Major Carnac with the detachment under his command to Benares, there to wait our further orders. He will, accordingly, begin his march immediately, unless the Resident in the meantime, from the actual receipt of the subsidy, should inform him that it is unnecessary for him to proceed further; and you will be pleased to observe, that should you force us to a measure so contrary to our wishes, the whole expence of the detachment from the time of its march will be required from you, exclusive of the subsidy for the war."

Repetition of their orders by the Board.

I am persuaded this letter requires no comment: it speaks for itself in the mild language of persuasion, of exhortation to obedience, and apprising him of what would be the consequence of perseverance in disobedience. I should have stated, perhaps, before reading this letter, what, your Lordships observe, is referred to in the letter—that the Board had, upon an intimation that their first order had been unsuccessful, and finding that Mr. Graham waited for further orders upon the subject, repeated their former orders, upon the 29th of September:—

"Present, Mr. Hastings, Mr. Barwell, and Mr. Wheler; Mr. Francis being indisposed." This is not in print, I believe.—"*The Governor General.* 'As it appears by the last of the above letters from Mr. Graham that Rajah Cheit Sing, whose present ability to discharge the full amount of the sum demanded of him cannot be doubted, is endeavouring to amuse our Resident with delays [and as his reply, though it professes an intention of compliance with his claim, is a plain evasion of it, I think Mr. Graham—according to the spirit of the orders he had received—ought to have required the immediate march of Major Carnac's detachment to enforce payment from the Raja; but, as he has omitted the act in this manner, and as it appears to be his intention to wait for the further orders of the Board, I move that the contents of his letter be imparted to the Commander-in-chief, and that he be desired to send orders forthwith to Major Carnac to march without delay, in conformity

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to his former instructions, giving notice of the day on which he shall move from his present station to Mr. Graham: that the expences of the detachment, from that time until its return, may be charged to the Rajah: and that Major Carnac do continue his route with the two battalions under his command to Benares, unless Mr. Graham, upon the full receipt of the subsidy, shall notify to him that there is no necessity for his proceeding. I further move that letters to the same effect be] prepared and despatched to Mr. Graham and Rajah Cheyt Sing.'"*

It was, therefore, to be stopped in every stage of the business. If the Resident should hove notified that the money was paid, the orders were not to be carried into execution, but the march of the troops was to be stopped. The Governor General's motion was carried, and it was resolved that a letter should be written to the Commander-in-chief and to Mr. Graham upon the subject. There appears to be a mistake in the date, for the letter I read is dated the 25th of September, and prior in point of time, but it must be subsequent to this Consultation, because it seems to refer to it. The letter to the Commander-in-Chief does not seem to me to be material, to trouble your Lordships with it. It is only stating the cause which has induced them to issue that order, and a letter from the Board to Mr. Graham, likewise, to the same effect. There is then a letter from Mr. Graham to the Board, dated the 3d of October, 1779.

Letter of the Resident to the Council, 3 Oct. 1779.

"Rajah Cheyt Sing not having yet completed the payment of one lack of rupees, in part of his subsidy of five lacks, notwithstanding, agreeable to his own voluntary proposal, whereof I transmitted to you a translate in my address of the 17th *ultimo*, he ought twelve days ago to have paid me a lack and 25,000 rupees, I have, believing it to be consistent with your honourable Board's instructions, dated the 26th of August, in order to enforce the payment, this day written to Major Carnac, requiring him to march with the detachment under his command to this place with all convenient expedition." †

Order for the march of the troops.

Your Lordships see, Mr. Graham had, upon the 3d of October, which was before he could have received the orders which I last read, of his own accord issued orders, finding it to be necessary, for the march of the detachment. Upon the 12th of October there is another letter from Mr. Graham. These letters are not in print—

Letter of the Resident to the Council. 12 Oct. 1779.

"My address to your honourable Board of the 3d instant acquainted you, not only of the Rajah's continuation to procrastinate the payment of the whole subsidy, but of his failures in particular of that proportion

* Printed in the "Minutes of the Evidence," p. 1509.
† Ibid., p. 1511.

1 Mar. 1792. which he had himself voluntarily fixed a time for discharging; and of my having, in consequence, sent the necessary notice to Major Carnac to march, with the detachment under his command, to this place. Your further instructions upon the subject, now before me, shall be punctually attended to. The Rajah, notwithstanding he has been repeatedly made acquainted with your honourable Board's determined resolutions to obtain speedy payment, and of the consequences attendant on delays, has only to this day paid me the sum of one lack and 19,000 rupees. He now offers in excuse a general scarcity of specie. What may be his conduct on the approach of the detachment, you shall be fully informed of." *

Necessity of compulsory measures.

It appears, therefore, very clearly, my Lords, that the idea of all these measures not having been necessary to enforce compliance was erroneous. They were proved in the event to be necessary, when so much difficulty, after the communication of the intelligence, attended the forcing a compliance with them.

No payment made by Cheyt Sing till after the arrival of the troops.

My Lords, it appears that, afterwards, the troops were obliged to come. No payment was received, and, of course, no countermand for the order of the march of the detachment. They arrived in the neighbourhood of Benares; and it was not till the day before their arrival that the Raja paid one additional lac of rupees; and not till after their actual arrival and after their nearer approach to one of his principal places, Ramnagur, was the whole subsidy of this year actually paid. It is, therefore, perfectly clear that the Raja, by his conduct, did render measures of compulsion necessary to enforce obedience to a peremptory order of the Board, after every means had been used to obtain compliance short of that compulsion. After every species of application, after urgent importunity to him by every possible means, had failed of success, it was at last necessary that the troops should come; and, till they actually came, did he withhold obedience to the peremptory orders of the Board!

Unanimous conviction of the Council of the necessity for the compulsory measures.

My Lords, it appears afterwards, I believe, that every person was now convinced upon the subject of Cheyt Sing's conduct. Whatever doubts had prevailed respecting either his ability, the Company's right, the authority of his wakil, or the necessity of having recourse to measures of compulsion to enforce obedience—whatever doubts had prevailed in any antecedent period—now Mr. Francis and Mr. Wheler were both throroughly convinced that Mr. Hastings had been right, from the beginning, upon the question of right;

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* Printed in the "Minutes of the Evidence," p. 1511.

that he had been right as to the Raja's ability; that he had been right as to the necessity of having recourse to means of compulsion; that he had been right in the opinion he entertained of the Raja's misconduct upon that occasion. 1 MAR. 1792.

Their letter to the Directors, 14 Jan. 1780

I will read to your Lordships a letter that was written by these gentlemen, Mr. Hastings, Mr. Francis and Mr. Wheler, the two persons who had dissented upon the points that I have stated, in every period of the antecedent transaction, [by] these gentlemen when they formed a majority and could, therefore, have written what letter they thought fit to their superiors—who were bound to communicate to their superiors the true state of the transaction, and of the opinion they entertained respecting the conduct of Cheyt Sing. The letter is dated the 14th of January, 1780. Mr. Barwell was about to embark for England: I do not know whether he was present, but he does not sign the letter. The letter is signed only by Mr. Hastings, Mr. Francis and Mr. Wheler. It is in the printed Evidence, page 90. It is a very short letter, and, therefore, with your Lordships' permission, I will read it:—

"We thought it necessary and consistent to demand a further contribution of five lacks of rupees from Rajah Cheit Sing for his part of the expences of the war for the current year, being the same sum as he paid towards that end for the last year. The Rajah strongly pleaded his inability to comply with this demand, and even suffered us to send two battalions of sepoys from Dinagepore to Benares, to enforce the payment, before he would grant it. At length, however, with much difficulty, the amount was received from him, added to a penalty of 20,000 rupees for the expences of the two battalions until their arrival at Benares. We shall make but this short observation upon the conduct of the Rajah, that, whether it proceeded from an apprehension of establishing a precedent for exceeding the sum of his annual and stipulated revenue, or from a sense of independency, it was equally unreasonable and an ungrateful return for the benefits which he has been allowed to derive from the Company's protection.

(Signed) "WARREN HASTINGS.
"P. FRANCIS.
"EDWARD WHELER."

My Lords, I take the liberty, therefore, of concluding, from what I see upon the minutes and upon the records of the Company, what must have been the sentiments of these three gentlemen. I take their sentiments from what they express to be their sentiments in this letter to their superiors, with respect to the conduct of Cheyt Sing, and of the necessity that there was ultimately for compelling obedience in

1 Mar. 1792. this way, and the ungrateful conduct of the Raja in having so long withheld the payment of this sum.

Reality of the expense incurred in enforcing payment.

My Lords, there is only one other circumstance to observe with respect to what is in charge relative to this point; that is, of extorting the sum of two thousand pounds sterling, or thereabouts, under pretence of paying the expense of the said force. Under pretence of it! Your Lordships understand now what is meant by the words "under pretence" in these Articles; because there is no doubt of the reality of the expense incurred, and of its being actually calculated to amount to 20,000 rupees, which is the sum of 2,000*l.*, and of that force being actually rendered necessary by his conduct. That is called, extorting the sum under the pretence of the expenses of the detachment!

Third demand, in 1780.

The next matter in charge is the third demand—the demand in the year 1780; and that forms the seventeenth paragraph of the Article. It states—

Terms of the charge.

"That upon the 22d of June, 1780, he did extort from the Rajah Cheit Sing, by similar and other rigorous means, and particularly by the threats of a fine of 10,000*l.*, the payment of the like sum of five lacks, under the aforesaid and other such like pretences, although he, the said Warren Hastings had, on the 21st day of June, that is to say, on or about the day before the said renewed demand or thereabout, privately received from a person named Sudanund, buxey or treasurer to the said Rajah, a present or bribe of two lacks of rupees, or some other sum, which was given under a plea of atoning for the opposition alledged by the said Warren Hastings to have been made against the payment of the said subsidy, but really in hopes of its inducing him, the said Warren Hastings, to give up that claim."

Here, then, my Lords, we have stated the demands made upon him, aggravated by the circumstance that is stated. And, respecting that sum of money, it is here introduced, not as constituting the charge of a receipt of a present from the Raja—for in that point of view it is taken up and forms a distinct separate charge in the sixth Article, and will be considered in that point of view when we come to discuss that Article; here it is stated, your Lordships see, as a circumstance of aggravation in the conduct towards Cheyt Sing, because it had been paid in hopes of inducing him to give up that demand. Now, with respect to this demand for the year 1780. The first consultation which is necessary to attend to will be one of the 12th of June, 1780. At that consultation, Mr. Hastings was extremely anxious for a measure that was particularly stated—and I do not

Consultation of the Council, 12 June 1780.

mean to go into the circumstances attending it—that is, the detachment of Major Camac against Madaji Scindia, in the hope of making the principal agent in the war the principal sufferer by it, and in the end bringing about a peace. Mr. Hastings had a strong opinion upon that subject, that if Madaji Scindia was himself attacked, that if he carried the war into Madaji Scindia's own country, it would induce him to listen to terms for his own accommodation and detach him from the Mahratta states. That has already been so well, so ably and so strongly, stated, that I need not trouble your Lordships with a word about it; only stating that that formed a consideration upon the subject. With a view to that, Mr. Hastings, upon the 12th of June, 1780, proposes a renewal of this demand:— 1 Mar. 1792. Desire of Mr. Hastings to act against Madaji Scindia.

"I propose to the Board that, as the season is now approaching, in which our demand upon Rajah Cheit Sing for the payment of his annual contribution towards the expences of the war should be made, we do immediately instruct our Resident at Benares to apply to him for the sum of five lacks of rupees, which sum I propose shall be appropriated solely to the payment of Major Camac's detachment."* His proposal to demand of Cheyt Sing his annual contribution.

This measure, your Lordships recollect, was opposed in every stage of it by Mr. Wheler and Mr. Francis, in joint minutes. A variety of objections were stated to the measure. One was the want of money to carry it on. Mr. Hastings, in order to obviate that, proposes to make this demand a little sooner than usual, and to apply that sum of five lacs to the payment of this detachment. Upon which, Mr. Francis and Mr. Wheler, who were objecting to this very measure, and who, therefore, if they had thought that there was no right to call upon Cheyt Sing for this subsidy at all, had an additional objection to it, namely, that it was proposed to be made somewhat before the usual period of its becoming due—here then they had an opportunity of additionally objecting to this measure, that they were at the time reprobating, by saying—"the very means you propose to support it affords an additional ground of objection to it; because you are now going to do an impolitic act by an act of injustice." They do object. But what is their objection? I will read it in the words of the minute—"Bengal Consultations, the 19th of June, 1780." After having taken time to consider upon this subject, they state, among other objections,— Objection of Mr. Wheler and Mr. Francis

"Fourthly, because the proposed anticipation of the demand of five lacks from the Rajah of Benares and the sole appropriation of it to this That the proposed

* Printed in the "Minutes of the Evidence," p. 1513.

1 MAR. 1792. — demand was included in the estimate for the year; service is no relief of expence or increase of revenue, since the above five lacks made part of our general estimate of resources for the service of the current year, and if applied to any service not provided for the same estimate will leave a deficiency, which must be made good out of some other fund." *

and had been approved by them. My Lords, I therefore conclude, not only from the letter that these gentlemen wrote upon the 14th of January, 1780, but from the opposition to this very anticipated plan of demand upon this subject, that they themselves had included this in their own estimate of resources :—" we have already disposed of that; do not touch that, for we ourselves have taken that into our estimate of resources"—so much as to consider it as a matter of course that this demand was to be made upon Cheyt Sing;—they at that time forming a majority, too, and being able to prevent it if they had disapproved of it, for at this time Mr. Barwell was gone to England, on the 12th of June, 1780! At the time when they are opposing this very measure and suggesting grounds of opposition to it, yet they are perfectly clear of the necessity—perfectly clear of the expediency—perfectly clear of the justice—perfectly clear of the right to make the demand upon Cheyt Sing, and to include it in their own estimate of resources! Mr. Hastings found that they would not permit the five lacs to be applied to that purpose; but they still objected to that measure, which Mr. Hastings was pressing with a degree of urgency, as if it were a matter of his own private interest that was at stake. Constant opposition to Mr. Hastings' proposal for the demand. He says—"I wish I could risk my life upon the event;" urging it to them by every argument that he could possibly suggest. There was minute after minute of opposition to prevent this measure being carried into execution, which, afterwards, was carried into execution, and was one great means of breaking the power of the Mahratta state—of bringing about that object which Mr. Hastings all along looked to, and which made him so anxious for carrying that measure into execution. He urged it over and over again in his minutes at the consultation, but he was unable to prevail. These two gentlemen overpowered him: he was one against two, and they prevented the execution of the measure at that time. Ths principal objection to this measure was that they had not money enough to carry it into execution.

Voluntary payment by Cheyt Sing At that moment, Cheyt Sing, having had an intimation, probably, of a temporary harmony that had taken place

* Printed in the " Minutes of the Evidence," p. 1513.

antecedent to that in the Council of Calcutta, and knowing his own great misconduct and dilatoriness, in order to atone for his misconduct and to pay a sum of money which might operate as a punishment upon himself for it, instructs his wakil, whom he sent down for the purpose, to pay this sum of money which is stated in the Article—"under the plea" —says the Article—"of atoning for the opposition alledged by the said Warren Hastings to have been made against the payment of the said subsidy." That was the plea; what his object was besides, that your Lordships will see when I come to state the very evidence the prosecutors have themselves given upon this subject, and which they must take in the whole if they take that part. The account given of the transaction by Mr. Hastings himself is that which they have thought fit to give in evidence, and therefore they must take it altogether; and then your Lordships will see [the groundlessness of] the idea of this man having been deceived—that he was taught to believe that the demand would be given up if he paid that money to atone for his past misconduct; that it was so directly the reverse, that, at the very time of his making it, Mr. Hastings, in the most positive and distinct manner, treated him thus—"I accept this as an atonement. Now I pardon you: I forgive all that is past; but mark this—you faithfully promise that you will pay obedience to that order that will be made the next day upon you for a renewal of the very same demand." And he received the most solemn assurances that he would faithfully comply with it. And your Lordships will, by-and-by, see that the whole evidence on the subject proves that to be the nature of the transaction; that, so far from an idea being held out to Cheyt Sing that he was to be excused from the demand in future, the contrary was the fact; and that he did then seal it with his most solemn promise that all his past disobedience should be corrected in future, by an accurate and faithful compliance with the orders of that year.

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of a sum in atonement for his delay.

No ground for the assertion that the offer was in lieu of the required payment.

I will read to your Lordships the passage that is given in evidence to prove this circumstance by the prosecutors. It will be found in the printed Evidence, page 96. It is an extract from Mr. Hastings' Answer in the House of Commons to the eighth charge:—

"I beg it may be observed that the first of these presents was received in the year 1780, at a time when, as I have truly said to the Directors, the exigences of the Government were my own, and every pressure upon it rested with its full weight upon my mind. Whenever I could find

Mr. Hastings' statement, in his Answer to the House of Commons.

1 Mar. 1792. allowable means of relieving them I eagerly seized them. It was in this year, and at one of these distressful periods I allude to, that I formed a plan for drawing Mhadajee Scindia from Busaret to the defence of his own dominions, in hopes of laying the foundation of that peace with the Marattas to which this measure did afterwards so greatly contribute. This plan was opposed by Mr. Francis, then a member of the Council, on the plea, amongst others of little importance, of the additional expense we should incur by its adoption. About this time, Buxey Sadanund, the confidential servant of Cheit Sing, had been deputed to me in Calcutta by his master, to acknowledge his former ill conduct, and to assure me of his implicit obedience and submission in future. He was also entrusted by his master to endeavour to procure a remission of the payment of the annual sum of five lacks of rupees, which the Board had fixed as his proportion of the expences of the war. I peremptorily refused his request; but assured him that, on the restoration of peace, his additional subsidy should cease, and that this was all he might expect. Sadanund wrote to his master and received a commission from him to give me the strongest assurances of his future obedience and submission to the orders of Government; and he was further directed to request my acceptance of two lacks of rupees as a present to myself. My reply was, that I cordially received his submission and assurances of obedience, but that I must absolutely refuse his present, which I did. Having been disappointed in the execution of my plan for attacking Mhadājee Scindia's dominions, which I deemed and which proved to be of the most material consequence, and being thwarted in it by my colleagues on the plea of expence, which was the only material objection made to it, I determined to accept of the offer which I before refused, and, on my return from the Council—the day, I believe, that my plan was rejected—I sent to Sadanund and told him I had reconsidered his master's offer and would accept the two lacks of rupees, which I desired him to pay to Sub-Treasurer Crofts; meaning to apply this money to defray the expence of the expedition against Mhadajee Scindia, and thereby hoping to obviate the only objection which had been made to this [important undertaking. Unfortunately I did not succeed in obtaining the consent of Mr. Francis and Mr. Wheler, and was, therefore, concerned at having accepted this sum from Sadanund, since the only use to which I meant to appropriate it was frustrated; and I expressed my vexation to Mr. Markham, my secretary, as he (who fortunately for me is now in England) can attest]."

This is the account given in the evidence the prosecutor has adduced upon this subject. It appears here that, upon the first commission, bakhshi Sadanund, the confidential servant of Cheyt Sing, comes to endeavour to procure the remission of his subsidy, but he is expressly told by Mr. Hastings that he will not remit it. It had been notified to Cheyt Sing by the person that came to negotiate with Mr. Hastings at first, that Cheyt Sing was not to expect the remission of this demand; it is, therefore, perfectly clear that it was notified to Sadanund what Mr. Hastings' determined intention upon that subject was: and what afterwards passed with respect to this sum of money was subsequent to that

communication. I, therefore, take the liberty of saying, that upon this account of it there appears to be two commissions. The endeavour to procure a remission of the subsidy was the first commission: that was negatived at the first conference. The offer of the money was the second commission, after a full intimation to Cheyt Sing that Mr. Hastings' determined intention was to enforce that demand. There could be, therefore, no deception on Cheyt Sing. If Cheyt Sing chose to atone for his past opposition, it could be under no hope of the future relinquishment.

1 Mar. 1792.

Two commissions from Cheyt Sing to his wakil.

But it does not rest here, because there is other evidence upon the subject to show clearly that, so far from any hope being entertained by Cheyt Sing of a remission of the demand upon this transaction, it was directly the reverse; that Cheyt Sing did upon this occasion promise faithfully to comply with the demand. It appears clearly from Cheyt Sing's own account of the business, in his own defence, afterwards, when he speaks of what had passed with Sadanund, that he did upon that occasion faithfully promise that he would in future comply with the orders of the Board.

Promise of Cheyt Sing to comply with the demand.

"For this reason,"—says he—"I sent my buxey, Sadanund, to your presence; enjoining him to represent to you the firmness of my obedience and attachment, to lay before you the particulars of my situation, and to learn the disposition of your mind towards me. He arrived accordingly in your presence, and represented everything in a proper manner. I have never deviated in the smallest degree from these professions."

It appears, therefore, by Cheyt Sing's own account of it, that he sent down Sadanund to make professions of obedience and attachment, and he insists upon it that he had never deviated from them. It appears also that, after this demand was made, in the year 1780, it was instantly communicated to Cheyt Sing, and Cheyt Sing then, so far from treating it as a thing he did not expect, acts as a man would act if he had recently made the promise of obedience, by repeating that promise in a letter which he instantly wrote upon the subject, and by showing a symptom of obedience stronger than he had ever done before, namely, by paying the sum of one lac down, or in a very few days, and promising to pay the remainder in a very short period of time. I will then ask, whether it is probable, if Cheyt Sing had a hope for a remission, and had by this sum of money thought he had purchased that remission, he would not immediately, when this demand was notified to him, have said—"Why, I

Payment by Cheyt Sing of a portion of the demand.

1 Mar. 1792. have bought off this demand; I have paid a sum of money to be released from it?" Instead of which, he acts directly contrary, which is the way in which Mr. Hastings represents it. "You have"—says Mr. Hastings—"promised obedience to the demand." What does he say in his letter? He does promise obedience. Then, is not that the natural conduct of a man acting and thinking in the way that Mr. Hastings says he acted and thought, and not in the way the prosecutor states that he acted and thought? Instead of flying out upon that letter, notifying the demand, he immediately gives his renewed solemn promise to comply with it, which shows decidedly that what had passed at Calcutta just before must have been as represented by Mr. Hastings; that he had received his solemn promise to comply with the demand.

It is in this point of view that I am now to look at this transaction. How far it is improper in any other point of view, will be the subject of another discussion, when it becomes the subject of distinct charge. In the way in which it is charged here, namely, as having been a deception practised upon Cheyt Sing, I trust the circumstances I have stated negative that idea. I trust your Lordships, in considering all the circumstances of this case, will see what was manifestly the pure object of Mr. Hastings with respect to this. He flies from the Board, where doubts were entertained that they had not money enough to carry an important measure into execution, and he accepts for the use of the public that money which he had refused to accept for himself, and he instantly—on the 22d of June, 1780—comes to the Board and says—"You object to this measure upon the score of money; here is the money ready for you; it is paid into your treasury: will you carry on the measure now?"

Acceptance of present from Cheyt Sing for the public service.

Purity of motive in receiving the present.

Therefore, with respect to the object and to the motive, it is clear from the whole transaction that there was nothing improper—nothing of a sordid, nothing of an interested motive; for when he himself was concerned he negatived it; when it is to answer an important public object he receives it, and pays it into the public treasury, for the purpose that [he had in view] when he received it. There was no deception upon Cheyt Sing, but directly the contrary. The whole shows that he knew what he had to expect—that it was to be paid in the same way; and, at the very moment Mr. Hastings comes with this money for the payment of this detach-

ment, on the 22d of June, 1780, he proposes another demand upon Cheyt Sing. Who are the persons present then? The very same gentlemen—Mr. Francis and Mr. Wheler again, forming a majority dissentient to Mr. Hastings' conduct—persons who were opposing him at that time. Mr. Francis, Mr. Wheler and Mr. Hastings, were the persons present upon the 22d of June, 1780. The proposition is in the 92d page of the printed Evidence. Mr. Hastings moved—

1 Mar. 1792.

Proposal by Mr. Hastings for further demand on Cheyt Sing, 22 June, 1780.

"That Cheit Sing be now called upon to contribute five lacks, as his share of the expence of the war for the current year."

What opposition is made to this motion? Mr. Francis and Mr. Wheler have the power to prevent its being carried; do they prevent it? No! they agreed to the Governor General's motion. Not a syllable of objection! Not a hint, not a word dropped of there being anything improper, inexpedient or unjust, in the demand! We have also the unanimous consent of the Council, on the 9th of July, 1778, qualified in that way, the consent upon the 17th of August, the consent on the 19th of July, 1779, the consent to the letter of the 12th of June, 1780, and the consent on the 22d of June, 1780. Upon all these occasions your Lordships see that what I have stated appears upon the record, with respect to the conduct of all the members of the Council in regard to this demand.

Assent of Mr. Francis and Mr. Wheler.

My Lords, upon this occasion, the first letter was upon the 21st of July, 1780. It is in the printed Evidence, page 93. It is a letter from the Resident, Mr. Fowke:—

Letter of the Resident to the Council, 21 July, 1780.

"In obedience to your orders of the 23d *ultimo*, I have demanded from the Rajah Cheit Sing [the sum of five lacks of Muchlidar rupees, as his proportion of the burden of the present war with France. The Rajah has desired me to inform you of his entire submission to your commands.] He has promised to pay one lack of this amount within a few days. I shall immediately advise your honourable Board of the receipt of it, and shall remit it upon the most advantageous terms I can obtain. I shall likewise urge the Rajah in the strongest manner possible to use the utmost expedition in the discharge of the remaining part."

Your Lordships will recollect the observations I made upon that letter, to show his early promise of obedience.

The next letter from the Resident is dated the 5th of August. It is not in print, but it is a very material letter:—

Another, dated 5 Aug. 1780.

"I have the honour to enclose Cheit Sing's answer to your letter respecting the subsidy, which I received with Mr. Colebrook's letter of the 28th of last June. The Rajah has informed me of the request contained in the enclosed; he has desired me to make the same request on his part in a public letter to the Board."—This alludes to the letter he

1 Mar. 1792. was enclosing from Cheyt Sing and which I will presently state—"This I have refused to do; the order of the Council leaves no opening for such an application;"—that was an application for time—"the exigencies of Government are great and the early notice given has the appearance of a particular provision. These reasons I have assigned to the Rajah. I have strongly urged the immediate payment of the balance. I reminded him of the riches he received from his father, of the flourishing state of his country, and of the easy terms on which he holds it; and I added that, seeing the affair in this point of view, his plea of poverty and inability must appear highly ridiculous. I shall continue my demands upon the Rajah for immediate payment, but I am afraid they will be attended with little effect, till the receipt of your Board's further commands."*

These are the sentiments of the Resident with respect to the conduct of Cheyt Sing. With respect to his ability and with respect to his disposition, your Lordships observe Mr. Fowke had urged him to compliance by intimating that to him which, if he was faithfully attached to the Company, would have induced him in the strongest manner to comply, namely, that early application had the appearance of a provision. The perilous state of the Company's affairs was well known at that period of the year 1780. The extreme exigencies of Government are strongly stated by Mr. Francis and Mr. Wheler upon their minute, when upon that ground they oppose the measure of Major Camac's detachments, saying, I think, that there was a balance of thirty-seven lacs against the treasury; that, in the then reduced state of the treasury, they could not at any event go on with the war in that distress, having such a multitude of enemies to contend with. And, having intimated to Cheyt Sing that this had the appearance of a particular provision, and though Cheyt Sing had paid part of it and had promised he would faithfully pay the remainder of it, notwithstanding that, your Lordships find that the Resident has that opinion of him that he is much afraid he will not comply, and that he should be under the necessity of having the further orders of the Board in order to compel compliance, for that without that he has no expectation of receiving the money.

Exigencies of the Company.

Anticipated refusal of Cheyt Sing.

Letter of the Resident, 10 Aug. 1780.

My Lords, the next letter from Mr. Fowke is of the 10th of August. It is in the printed Evidence, page 93:—

"The Rajah having completed the payment of his tribute for the last year, I do myself the honour to transmit [for your inspection an annual account current of the same; and, likewise, a kistbundy of the payments to be made by the Rajah on account of his tribute for the ensuing year. I have received the honour of your commands of the 13th *ultimo* respect-

* Printed in the "Minutes of the Evidence," p. 1514.

ing the payment of the Nabob Saadet Ally's stipend, and have, accordingly, deducted from the last month's allowance the difference of batta, on the sums I have issued, amounting to sicca rupees 13, 519:13, at the rate of 7 · 4a *per cent.* I have also received from the Rajah one lack of rupees, in part payment of his subsidy: and I have the honour to enclose five bills of exchange for the amount of these two sums, drawn as per accompanying invoice. I have urged the Rajah, very strongly, to complete the payment of his subsidy with all possible expedition; but I find he is determined to make no further payment till he receives an answer to his arzee, transmitted in my letter of the 5th instant to] the honourable the Governor General." 1 Mar. 1792.

Now, my Lords, what is this letter to which he will have an answer before he will comply with the demand? The letter is received on the 21st of August, 1780, and it is in the same page. He says:—

Letter of Cheyt Sing, asking allowance of time for payment of the demand.

"Although my distressed situation must be known to you from all quarters, notwithstanding I have been afraid to represent it to you myself, that I have sold my house and borrowed sums of money from which I am not yet released, yet in obedience to your orders I have paid one lack of rupees out of the five to Mr. Fowke, and shall pay the other four in three months. I request you will send directions to that gentleman to allow me that time, and it shall be punctually paid at the end of that time. You, yourself, must be convinced that I have no abilities nor resources left."

That is the letter which Mr. Fowke said he would not sanction by any approbation of his: "knowing"—said he to the Raja—"the riches you received from your father, the terms upon which you hold this country, and how opulent you are, your plea of poverty and inability must appear ridiculous." And it was perfectly ridiculous. And, notwithstanding he told him that it must appear ridiculous to everybody, yet the Raja writes this letter as an apology to Mr. Hastings, saying—"you yourself must be convinced I have no abilities, nor resources left." Although Mr. Hastings had told him, in an antecedent letter, in a letter in the year 1779, which your Lordships recollect I read—"your plea of inability is futile," yet does this person write this letter to Mr. Hastings on the 21st of August, 1780, the want of answer to which he makes the plea of not paying the money he had promised to pay, and which he was told the Company were so much in want of; and he is told this letter must appear ridiculous to everybody that reads it, and he appeals to Mr. Hastings for knowing that which Mr. Hastings had expressly told him was futile. What are we to conceive of the conduct of Cheyt Sing when he acts in this manner, urging what everybody tells him is evasion and falsehood? When he is pressed to pay the money all he

Mr. Hastings' previous rejection of his plea.

1 MAR. 1792. does is to repeat—"Poverty! Poverty! Poverty!"—that he has sold his house, and so on, when every body tells him it is perfectly ridiculous, because his opulence is well known.

Comparison of conduct of Mr. Hastings and Cheyt Sing.

Now, at the time when we are drawing inferences from the conduct of Mr. Hastings that he was making those demands from malice, what is the inference to be drawn from Cheyt Sing's conduct in not complying with these demands? Oh! my Lords, if we were to reason in any manner upon equal terms with respect to the conduct of one and the conduct of the other, must not Mr. Hastings' conduct throughout appear to be that of a person zealous only to make this man obey the orders of Government, and enforcing obedience to them by no other means than are necessary; at the same time that the conduct of Cheyt Sing can be imputed to nothing but a mind alien from the prosperity of the Company, hostile to the war we were engaged in, and averse to yield any assistance towards it, which he was bound to yield by the conditions under which he held his possessions?

Order of the Council for enforcing the demand;

I shall now read to your Lordships what the Board did in consequence of these letters being before them. It appears from a consultation on the 7th of September, 1780, at which were present Mr. Hastings, Mr. Wheler and Sir Eyre Coote, Mr. Francis being indisposed. That consultation your Lordships will find in page 93. After stating these letters—

"Ordered, that Mr. Fowke do inform the Rajah that the Board are much displeased with those affected delays, knowing his ability to make immediate payment of the subsidy, and that he peremptorily require him to discharge it."

That is all the order that is made upon this. Notwithstanding the letter that the Raja sent, and his conducting himself in this way after his promise to pay the money, all that the Board do is, merely to express their disapprobation of his conduct, and to repeat their request to him to pay the demand. There is another material order that accompanies this—

and for remission of the money to Major Camac.

"That Mr. Fowke be desired to remit the same when received by shroffs, if possible, or by any safe mode of remittance, to Major Camac, for the pay of the forces under his command."

That subject, your Lordships know, forms a distinct consideration of itself, and, therefore, at present I do not touch upon it.

Your Lordships see, here is an intimation given upon the 7th of September, expressing their disapprobation of the

delay, and desiring immediate payment. Upon the 27th of September, Mr. Fowke writes to the Board a letter that your Lordships will find in the printed Evidence, page 94:— 1 Mar. 1792. Letter of the Resident to the Council, 27 Sept.

"I have received the honor of your letter of the 7th instant [and have signified your commands to the Rajah. He has promised to discharge the balance of his subsidy, being rupees 2,53,000, in the course of a few days. I am treating with the shroffs for a remittance to Major Camac, and imagine I shall be able to effect it by bills from them in the whole amount."]

My Lords, it appears, therefore, that the payment of this subsidy had at this time—the 27th of September, 1780—been reduced to two lacs, 53,000 rupees, which is about one moiety of the whole, and that, upon the intimation given to him of the appropriation of it to Major Camac, he had actually promised to pay the remainder in a few days. Upon this, Mr. Fowke states that he is treating with the sarrafs for a remittance to Major Camac. He waits for the Raja eight days; and, upon the 5th of October, he writes another letter, which is in the printed Evidence, page 95— Promise of Cheyt Sing to complete the payment.

"I think it incumbent upon me to inform you, that the Rajah, notwithstanding his solemn assurances, has hitherto paid no part of the balance of his subsidy, specified in my address of the 27th *ultimo*. He has resumed his plea of inability, and I can form no opinion how long he may think proper to protract the payment." Letter of the Resident to the Council, 5 Oct. No payment made by the Raja.

That is the representation of the conduct of this faithful and attached man, on the 5th of October, 1780, by Mr. Fowke, the Resident!

My Lords, after there had been these two complaints of him by Mr. Fowke—the first followed by a censure upon him, and now a second complaint made upon the subject—the Board come to that measure which is the subject of animadversion in the Article—"that he did, by similar and other rigorous means, and particularly by the threats of a fine of 10,000*l.*, extort the payment of the like sum of five lacks." My Lords, it was in consequence of this conduct that the measure I am now going to state was adopted at the consultation on the 26th of October, 1780. The persons present were Mr. Hastings, Mr. Francis, Mr. Wheler; Sir Eyre Coote absent on service. Here then, again, upon the 26th of October, 1780, Mr. Francis and Mr. Wheler form the majority— Consultation of 26 Oct. 1780.

"*Governor General*—'Such an instance of contempt shown by the Rajah of Benares to the authority of this Government, at a time in which his fidelity and gratitude for the many obligations which he owes to it ought to have prompted him to make a voluntary tender of that aid Recommendation by Mr. Hastings of the exaction of a fine.

1 Mar. 1792. which he now refuses after repeated promises to grant, merits some marks, at least, of the resentment of the Board. For that reason, I must recommend that Mr. Fowke be directed to demand instant payment of the balance due of his subsidy; and, if he should not have paid it at the time of the receipt of this letter, to exact from him in the name of the Board the further sum of one lack of rupees, as a fine for his past disobedience; that, to enforce this order, General Stibbert, be directed [to issue orders to the commanding officer of the battalions of the nearest stations to Benares to march immediately to that place, and to wait such orders as may be hereafter transmitted to them. In the meantime, the Board may be informed of the reception given by the Rajah to the present order; and it is hoped that it may be such] as shall render it unnecessary to proceed to entremities against him."*

Acquiescence of Mr. Francis and Mr. Wheler.

What is upon this occasion done by the Board, Mr. Francis and Mr. Wheler constituting the majority? They had, in the year 1779, opposed the measure of compulsion. Mr. Francis had in that year expressed his opinion to be, that the measure was unnecessary. Mr. Wheler had also opposed the measure. Do they continue to entertain the same sentiments respecting Cheyt Sing, and of its not being necessary to have recourse to these measures of compulsion? I am sure, if they did, they would have found it their bounden duty to have given every possible opposition to it, because it was to carry into execution an act of injustice in the demand, where the person had not the ability to comply with it, and where it had the additional objection of having recourse to measures not necessary for their declared purpose. Do they, then, in joint opposition, on the 26th of October, 1780, oppose this measure? Here it comes before them with the additional circumstance, not only of force to be used, but of a fine for the past disobedience.

My Lords, in the printed Evidence, page 95, we have these words,—

"I acquiesce, though I hope the threat will be sufficient.—Signed, Philip Francis and Edward Wheler."

Here, my Lords, is an acquiescence, with a hope expressed that the threat will do; but, if it will not do, the measure is acquiesced in. What is the measure? It is to have recourse to force, and to exact a fine for the past disobedience of the Raja. Is there any doubt then but that both these gentlemen were of opinion that there was disobedience; that it merited that punishment; that they had a right to inflict the punishment; that it was the constant course to impose a fine, and that, too, without hearing the Raja? They having

* Printed in the "Minutes of the Evidence," p. 95.

before them a knowledge, by the records of the Company, of his known disobedience, here acquiesce in the proposition of a fine for his past disobedience; hoping the threat will do, but, if the threat will not do, then the measure is to be carried into execution. 1 Mar. 1792.

I am sure it will not be said that they acquiesced in it, imagining that it was to be threatened only and not to be done; for nothing can be so mischievous as to threaten what you do not mean to execute—what you think is wrong. To threaten to do an act of injustice is the worst of injustice. I am bound in charity to believe, that they thought the measure in question to be just and necessary, when it was not only threatened to be done, but when it was acquiesced in, in the manner I have stated. Upon this they all agree to write to the Resident; and your Lordships will see the strong terms in which they all concur as to the measure necessary to be adopted with respect to the Raja:—

Letter from the Council to the President;

"We have received your letter of the 5th instant [informing us that the Rajah, notwithstanding his solemn assurances, has hitherto paid no part of the balance of his subsidy specified in your address of the 27th ultimo; that he had resumed his plea of inability, and that you could form no opinion how long he might think proper to protract the payment. This conduct of the Rajah seems to us without excuse. We direct, therefore, that you demand instant payment of the balance due of his subsidy: and, if he shall not have discharged it at the time of your receipt of this letter, that you exact from him, in the name of the Board, the further sum of one lack of rupees, as a fine for his past disobedience. To enforce the compliance due to our authority, and to the payment of the sums required of him, we have given orders that the battalions at the stations nearest to Benares should march immediately to that place, and wait for such directions as may hereafter be transmitted to] the officer commanding there."

They at the same time write a short letter to General Stibbert:—

"Having had late occasion to be much dissatisfied with the conduct of the Rajah of Benares towards this Government, in withholding the payment of the amount due from him as his subsidy, we think it necessary to direct, and do direct, you to issue orders to the commanding officer of the battalions at the stations nearest to Benares to march immediately to that place, and wait such further orders as may hereafter be transmitted to them."

and to Gen. Stibbert.

These are letters signed by them all, in which they do, in the most clear and explicit terms, express their strong disapprobation of the conduct of this person, and of the necessity of having recourse to the measures then directed, which were made necessary by the contumacy and disobedience of Cheyt Sing.

Their disapprobation of Cheyt Sing's conduct.

1 Mar. 1792.

The payment completed before the arrival of the orders.

It appears, however, that, prior to the arrival of these orders, the remainder of the money was actually paid, and it did so happen that these orders that were given were in point of fact never carried into execution; for, it appears that, very shortly after that, the Resident writes an account of the whole being paid. Upon the very moment that advice is received, all the Board concur in writing to stop the execution of these orders; and neither the troops nor the fine ever was, in point of fact, enforced.

The troops countermanded.

Upon the 18th of October, three lacs were paid, upon the 20th of October, two lacs, making the 50,000*l.*; upon which, the order for the troops were immediately countermanded, as appears in the printed Evidence, page 96. Upon that occasion, therefore, which concludes the account of this year, excepting the business of Major Camac's detachment, it appears that the payment of this sum had been protracted from the time of its original demand, in the month of June—that it was not fully paid till the 18th of October. There had been all that delay in that year of danger and distress, under all the circumstances I have stated, with all the endeavours on the part of everybody to enforce compliance, and with the necessity, confessed by everybody, to have recourse to this measure of compulsion.

The payment protracted from June to 18 Oct.

CONTINUATION OF THE SPEECH OF THOMAS PLUMER, ESQ., COUNSEL FOR MR. HASTINGS, IN DEFENCE UPON THE FIRST ARTICLE OF THE CHARGE, RELATING TO BENARES; 24 APRIL, 1792.

MY LORDS,—It is not without some degree of apprehension and uneasiness that I find myself under the necessity of again appearing at your Lordships' bar, to solicit the continuance of your Lordships' attention to the defence of Mr. Hastings upon the first Article of the Impeachment. 24 APR. 1792.

Apology for minuteness in answering the Charge.

My Lords, called upon as I was by the duty assigned to me to offer a particular defence to this Charge, professing to contain a long series of acts of inhumanity, injustice, tyranny, oppression, breach of faith, violence and bloodshed, it appeared to be my indispensable duty to follow the Charge through the whole of that series, and that I could not properly discharge my duty to your Lordships, to the prosecutor and to Mr. Hastings, if I omitted to advert to each of those measures in the order in which the Charge affixes guilt to them, namely, in the motive, in the object, in the nature and quality of them. But, my Lords, the pursuit of this plan has drawn me into an unexpected, and what, I fear, will have appeared to your Lordships somewhat tedious, perplexity, so that I am now under some difficulty to determine in what mode I can properly discharge the remainder of my duty, lest I should, on the one hand, seem to trespass too much on your Lordships' attention by continuing the same mode of investigation, or, on the other hand, neglect that part of the duty which is imposed upon me, and seem to be shrinking from that full and close investigation of the subject which I cannot but feel it the interest of Mr. Hastings to provoke.

Neglect of the latter part of the Charge.

My Lords, under these circumstances, I hope I shall not be thought to abandon any part of the duty that I have to discharge, if I should presume to consider some parts of this Charge as not seeming to require the same minuteness of discussion that the others do. I mean in particular, my

24 Apr. 1792. Lords, that part that occupies the latter paragraphs in the Charge. I mean the ten last paragraphs—which comprehend those subjects that passed subsequent to the rebellion and flight of Cheyt Sing, and which relate rather to the supposed misgovernment of the province subsequent to that event. The subjects which I hope your Lordships will still honour me with your attention in investigating, in the same mode and upon the same plan that I have hitherto pursued, are those which occupy the five preceding paragraphs, and which are still comprehended under that charge of supposed violence and oppression of Cheyt Sing.

Having experienced so much attention in the past discussion of this subject, I do not purpose to trouble your Lordships with any recapitulation of what is past, but to take up the subject where I left off, which your Lordships will recollect was on the subject of the last demand of subsidy from Cheyt Sing, in 1780. The subjects remaining to be discussed with relation to Cheyt Sing are, the requisition of a body of cavalry to assist the British Government, in the latter end of the year 1780; the opinion Mr. Hastings declared of the conduct and designs of Cheyt Sing prior to his going up to Benares, and his declared intended conduct with respect to Cheyt Sing. That will comprehend, the accusation contained in a letter in the month of January, 1781, which is the subject of distinct charge; the imputation with respect to Colonel Camac's detachment; the delegation of the power of the Council in 1781, prior to the journey to Benares; the proceedings at Benares, involving the conduct both of Mr. Hastings and of Cheyt Sing; and, in particular, the rebellion which took place in the month of August, 1781. These appear to me to be the subjects that remain to be discussed under that general head of the personal treatment of Cheyt Sing.

Subjects remaining to be discussed.

Demand of cavalry in 1780.

The first of these is, the demand of cavalry. Your Lordships will find the evidence upon that subject to be in the 97th page of the first volume of the printed Evidence. The Charge occupies the eighteenth paragraph, and is in these words—

Terms of the Charge.

"That notwithstanding the receipt of the above-mentioned bribe or present, the said Warren Hastings, in further prosecution of a wicked and malicious design to harrass, oppress, and ruin the said Rajah, did on the 2d of November, 1780, move at the Council Board and carry a resolution that the Rajah of Benares should be required to furnish such cavalry as he could spare for the service of the British Government."

That is the requisition: it then states that he afterwards— 24 Apr. 1792.

"under pretence and colour of the said resolution of the Board, did peremptorily and arbitrarily demand from the said Rajah 2,000 cavalry, which demand was afterwards reduced to some other number, but without any offer of paying for the same, although the said Rajah was not bound to keep up any cavalry, and for whatever number he furnished for the service of the East India Company he was to be paid at the rate already stated."

This is the whole of the paragraph. Your Lordships will observe that this measure, like the rest, is made criminal in respect of the motive being malice and a design to ruin Cheyt Sing; but the nature and quality of its being unjust is in respect to his not being under any obligation to keep up any cavalry, and that this requisition was made notwithstanding the receipt of a bribe or present from him, and that it was also under pretence and colour of the requisition that a subsequent demand was made upon him.

All the evidence that has been given upon this subject is contained in the page I have referred your Lordships to, and consists merely of the proposition itself; and, therefore, if it be a proposition of the nature stated, it is supposed that it affords intrinsic evidence of its own malignity, and that the bare statement of the evidence upon the subject proves the malice that suggested it. If the measure itself affords intrinsic evidence of the bad motive for it, it would equally do so with respect to all the persons who concurred in it; but it appears from the evidence before your Lordships that the proposition in question was an unanimous resolution by all the members of the Board; the persons present being Mr. Hastings, Mr. Francis and Mr. Wheler. The latter two members of the Board, your Lordships will recollect, had in a former year interposed on behalf of Cheyt Sing, and objected to some of the prior demands, but throughout the whole of this year they did not make any objection either to this or to any of the other demands which were made upon the Raja in the course of it.

Imputed malignity in the demand.

The demand not opposed by Mr. Francis or Mr. Wheler.

But it is supposed that this measure was peculiarly the measure of Mr. Hastings, because it is stated that Mr. Hastings moved and carried the proposition. Now, if any particular force or stress is meant to be laid upon these words, I shall only observe that their application to the present measure is a little unfortunate; because it appears, upon the evidence I have referred your Lordships to, that the obvious propriety of this measure was such as to produce the unani-

Not to be attributed to Mr. Hastings alone.

24 APR. 1792. mous assent to it, without any specific motion upon the subject, or any debate in respect of it; and it appears there that this is one of two resolutions, which are—"That the Governor-General be requested to write to the Nawab Wazir; and, agreed also, that the Governor General be requested to write to Cheyt Sing;" so that, as to his moving and carrying the proposition, that certainly does not at all appear upon the face of this consultation.

In the next place, it might have been as well, when inferences and statements are made that are not warranted by what does appear upon the consultation, that the whole of the proposition that does appear upon the consultation had been inserted in this paragraph, and that not one-half of the proposition only had been stated, omitting the remainder of the proposition, which tends, I think, to show that, whomever the proposition came from, it was not one intended to produce any of the effects that are stated. In the first place, your Lordships will find, by adverting to the proposition, that it was a call upon Cheyt Sing only to furnish such cavalry as he could spare, and only to furnish those cavalry entertained in his service; not calling upon him to raise any fresh corps, but only to supply his sovereign, for the aid of the British Government of India in a time of war, with such part as he could spare of what he actually entertained in his service. The words "entertained in his service," your Lordships will observe, are wholly omitted, which seems to be a substantial part of the proposition, and to show the nature of it to be a call upon him only for a part of the troops of his establishment.

Cheyt Sing not called upon to raise fresh troops.

Omission of part of the proposition in the Charge.

In the next place, all the latter part of the proposition, calculated to obviate any possible apprehensions on the part of the Raja of a permanent imposition upon him, and to prevent his entertaining any jealousy upon this subject, is totally omitted. I will, with your Lordships' permission, read the whole, as it appears upon the evidence before your Lordships—

> "Agreed also, that the Governor General be requested to write to the Rajah of Benares, requesting him to furnish such part of his cavalry entertained in his service as he can spare for the service of this Government, and to inform us what number he can supply; that a letter be written to Mr. Francis Fowke, directing him to make the same requisition of the Rajah, and at the same time, to obviate any jealousy which the Rajah may conceive that this may be converted into a permanent imposition upon him, by assuring him that the Board will require the services of these forces no longer than while the present war lasts, after which they will be returned."

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All that part of it is omitted!

Answer to the assertion that he was not bound to keep up cavalry.

In the next place, it is stated that this was criminal, because the Raja was not bound to keep up any cavalry. I am not now going to trouble your Lordships with a repetition of the discussion of the right to make this demand; I conceive this to fall under the general head that I have already discussed—the right of the sovereign to call for military assistance from one of his subjects in a time of war. I admit that the Raja was not bound to keep up any cavalry, but I do not conceive it to be a consequence of that, that he is not bound to furnish out of that force which he actually does keep up—that he voluntarily chooses to keep up. If he is permitted to keep up a military establishment, which can be kept up for no good purpose but to act against the public enemy in a time of war—I say, if he does keep up a military establishment, he should be liable to be called upon to assist with that military establishment against the common enemy; and, therefore, though he was not bound to keep it up, and though he did in fact refuse when we proposed to him that they should be disciplined and officered by British officers, yet he did keep up this force, and he kept it up in part clandestinely, as I shall, by and by, show your Lordships, but he did keep a body of 3,000 horse; and it then became a reasonable requisition upon him, as I conceive, if the occasion called for it, that we should be assisted by such part of that cavalry as he could spare.

Assertion that he was to be paid fifteen rupees per man.

My Lords, another circumstance stated was, that whatever he did furnish he was to be paid at the rate of fifteen rupees per man, per month, at the time of their acting in our service. It seems to be entirely forgotten that that made a part of the whole proposition which was altogether rejected by the Raja—that, if he would consent to be at the expense of maintaining a standing force to the amount proposed of 2,000 cavalry, in that case we would, when we wanted their service, pay an additional sum of fifteen rupees per month. But when the Raja altogether rejected that, I am at a loss to know how it can now be stated as a subsisting obligation upon us to pay the fifteen rupees per month; for if he would not comply with his part, neither can it be incumbent upon us to perform that which was only the consideration for the other.

I shall, therefore, consider the right of the British Government to demand this aid to be established if a proper occasion offered for enforcing it. The question then will be,

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Question of malicious motive in Mr. Hastings.

—whether, in the exercise of this right, Mr. Hastings was actuated by the motive assigned, namely, a malicious motive to ruin Cheyt Sing; or whether, when it is considered under what circumstances this demand was made, the propriety of it is not clear and obvious, and that it was also the indispensable duty of the then subsisting Government, if Cheyt Sing did keep up cavalry, to call upon him to assist us with it in the then state of the Company's affairs.

State of affairs at the period.

I apprehend it will clearly appear from a very short statement what was the state of affairs at that period: and I conceive every political measure ought to be looked at with a reference to the then state of affairs, particularly when we are to consider the motive that induced the Government to any particular measure, whether it was or not justified by the then state of the affairs; and yet upon that subject I do not observe that any evidence has been laid before your Lordships at all. It becomes necessary for me, therefore, very shortly to state to your Lordships that the demand was made, as it appears, upon the 3d of November, in the year 1780; and your Lordships will recollect what was the state of the Company's affairs in India at that alarming crisis.

Exhaustion in June, 1780.

In the month of June, 1780, two of the members of the Board had declared our situation to be such that we were not in a condition to carry on a war,—

"Taking our situation as it stands, we declare it to be our most deliberate opinion that a peace is indispensably necessary to save the India Company and every interest connected with theirs from the greatest distress, if not from certain ruin, and that, at whatever distance the subject may be, it is not practicable for us to continue the war on any terms without very considerable reduction in the expence of conducting it."

This was in the month of June, 1780. Subsequent to that period, when we were staggering under the weight of accumulated difficulties that pressed upon the British Government, a new enemy burst upon us on the 10th of July, 1780.

Invasion of Hyder Ali, July, 1780.

Your Lordships will easily apprehend what I allude to to be the invasion of Hyder Ali, with an army consisting of 70,000 infantry and 30,000 cavalry, with a hundred pieces of cannon, overrunning the Carnatic, in a short time possessing himself of the capital, proclaiming himself the Nawab of Arcot, and reducing the settlement of Madras to such a pitch of distress as I shall shortly have occasion to state, and that produced the necessity of that settlement deriving all its resources in every respect from Bengal. In a short period after that dreadful calamity had befallen us, upon the

Defeat of Col. Baillie's detachment.

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10th of September, in the year 1780, happened another calamity, the severest check that the British army ever experienced in India, I mean the defeat of Colonel Baillie's detachment; in which, your Lordships will recollect, every man of that unfortunate detachment, with the reinforcement from Colonel Fletcher, was either cut to pieces, wounded or taken prisoner, consisting of a very considerable portion of the whole of our force upon that establishment. The news of this event arrived at Bengal about the 22d or 23d of September, 1780. Your Lordships will permit me to state very shortly a letter which was written upon that occasion from Sir Edward Hughes to the Government, applying to them for assistance, which led to the measures that were afterwards taken, one of which was the particular measure that I am now adverting to. Sir Edward Hughes, in his letter to the Governor General and Council, dated the 14th of September, 1780, after stating some of the circumstances preceding, says,—

Letter of Sir E. Hughes, asking for assistance.

"On that day it was [greatly feared some untoward accident had prevented the junction of a large detachment of Europeans and sepoys, under the command of Lieut.-Col. Baillie, with the army under the command of Sir Hector Munro; sorry am I to tell you that last night's advices from the army have given certainty of the destruction, not only of the whole of Lieut.-Colonel Baillie's detachment, but also of a reinforcement sent to support it, consisting of all the European grenadiers and light infantry, and all the sepoy grenadiers of the army, making together more than 400 Europeans, and 3,000 sepoys with about 50 officers; and, in consequence of this disaster, the army under Sir Hector Munro has retreated to Chinglaput on its rout to the mount in great want of everything, and as the report is, having lost the whole of their cannon and baggage. In short, sir and gentlemen, as far as my knowledge of land service assists me, it appears to me, that, under the present circumstances, and with all the force this Presidency can possibly bring into the field, they will be in no condition to face the enemy, unless you send them a large and timely reinforcement of troops. Nor will troops alone save this sinking settlement, for I am assured by the Governor that they have no money in the treasury, nor any evident means of raising it, in any proportion adequate to their present exigencies. Under all these circumstances, I trust you will not think me importunate, if I recommend to your most serious consideration the imminent danger there is of the loss of the Company's very valuable possessions on this coast, unless you give them that effectual and timely succour of men and troops absolutely necessary to save them, for the present force with Hyder Ally is not all they have to contend with. I have not a doubt that a very large body of regular troops will, by some means or other, be sent to Hyder's assistance. Strongly impressed as I am with this certainty, and the possibility and even probability that the French may bring a superior naval force into these seas, I think it my indispensable duty to warn you, sir and gentlemen, of the evident necessity there now exists to guard, not only the Company's territories on this coast, but

24 Apr. 1792. Fort St. George itself, from the arms of France and Hyder at this time, when the whole national strength is required to make head against the combined force of France, Spain, and rebellious colonies; and that this may be the more easily and effectually done, I must earnestly wish and recommend, that, laying aside all other plans of operation against the Mharattas or any other country powers, the three Presidencies do heartily concur, by every means both of men, money and treaties, to reduce this habitual foe to the English nation within due bounds."]*

Called upon in this manner, as the Government of Bengal was, to preserve if possible the Company's affairs from the ruin that impended, Mr. Hastings, with that promptitude, zeal and vigour, which distinguished every act of his government, calling together the Council upon the 25th of September, then made that minute which your Lordships have upon a former occasion heard read. I do not mean to trouble your Lordships with a repetition of the whole of it; I will only beg leave to state a part of it, because it was at that time that the first commencement of the proposition in question took place. Mr. Hastings says:—

Minute of Mr. Hastings, 25 Sept.

"This is not a time either for long deliberation at home or the formality and tedious process of negotiation abroad. The calamity which has befallen us upon the coast, and the alarming superiority which Hyder Ali has acquired in the Carnatic, the despondency of the government of Fort St. George, [the consternation and distrust which seem to have spread themselves among all those who are subject to its authority, its utter want of present means and resources, the diminution of their military strength, and its declared insufficiency for the war which it is to sustain, and, above all, the authentic information which we have received of a great naval and military armament prepared by the Court of France, and destined, beyond all doubt, to co-operate with Hyder Ally, demand the most instant, powerful, and even hazardous exertions of this Government, to avert the event portended by so many concurrent difficulties. To this point every other consideration must now give place]. Without further preface I propose the following resolutions."†

Measures proposed by him.

Mr. Hastings then proposes, in the first place, to send a sum of money, amounting to fifteen lacs of rupees, as a supply to the coast; secondly, that the treasure deposited in the new fort for a particular emergency should be taken from thence and placed in the public treasury; thirdly, that a large detachment of European infantry and artillery should be immediately sent to the coast by sea—fortunately for the country, that order was not regarded in the then state of affairs—adding to that the earnest requisition on his part to the Commander-in-Chief, Sir Eyre Coote, to take upon himself the command of the army, with which he

* Printed in the "Minutes of the Evidence," p. 1519.
† Ibid., p. 1520.

complied. In the last place, to propose a peace with the Mahrattas. [He adds,] "The Commander-in-Chief will offer such a plan for the distribution of our troops and our military arrangements as appertain to his separate province." Having brought forward on his part the measures that appeared to him immediately necessary, Mr. Hastings suggested that there would be a necessity to provide for the loss that the Company would sustain of a part of its military establishment. He refers it to the Commander-in-Chief to consider of the proper distribution of force, consequent upon that detachment being sent away, and upon the further measures that were about to be in agitation. In consequence of this, Sir Eyre Coote next day lays before the Board a general plan for the distribution of the force in the upper station; and, as a part of that plan, Sir Eyre Coote, from himself, suggests it as a proper measure that Cheyt Sing should be called upon for a thousand cavalry, to assist in the public defence. The measure, therefore, which is supposed to originate in the personal malice of Mr. Hastings to Cheyt Sing, Mr. Hastings has not even this merit of originality in, for it was first suggested by the Commander-in-Chief, in consequence of a reference to him to do what appertained to his office, namely, to distribute and consider of the proper force to be established, in the then state of affairs.

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Proposal of Sir Eyre Coote to require 1,000 cavalry of Cheyt Sing.

Sir Eyre Coote states that we had only two regiments of cavalry. He had, upon the 14th of September, and upon the 18th of September preceding, suggested the necessity there was for protecting the Behar province, exposed as it was from the open nature of it to invasion of the Mahrattas. And your Lordships will recollect that, at that period of time, there was hanging upon the province in that government an army of 30,000 horse—the Berar army—which, notwithstanding all their friendly professions, still created some degree of apprehension lest they might act otherwise, as they might, at any day, burst upon our provinces and lay waste the whole of them. Sir Eyre Coote proposed to protect the Behar province by bringing the only two regiments of cavalry that we had; but, conceiving that that force would not be sufficient for the purpose in the then state of affairs, he adds,—

Plan for protecting the province of Behar.

"[The two regiments of cavalry to be ordered down there to be joined by four battalions of sepoys, the third company of artillery from the

24 Apr. 1792. field, and] a thousand horse, if they can be procured, from the Rajah of Benares."*

Protection of Benares provided for. Your Lordships will observe, in that general plan of arrangement, that Sir Eyre Coote proposes the distribution of the forces for the protection of Benares as well as of all our other dependencies; because he proposes that there should be formed at Allahabad, or some other central position—your Lordships know Allahabad is on the outside of Benares, Benares lying between that and our provinces—that in Allahabad there should be formed an army which would on the western side operate to the protection of Benares. And it appeared a reasonable thing, when the forces of the Company were distributed in that manner, to comprehend Benares and to operate for the protection of that country, that if the Raja had a body of cavalry that were not immediately wanted in his country, and that could be better stationed for the public defence in the next adjoining province—and it could not be deemed by anybody an unreasonable requisition on the Raja of Benares—to call upon him to assist us with that cavalry.

In consequence of this, the distribution of troops proposed by the Commander-in-Chief was agreed to, and it was ordered—

Order of the Council. "That a copy be sent to Brigadier-General Stibbert [after the departure of Sir Eyre Coote, that he may issue the necessary orders for carrying the same into execution when the] season will permit."

It happened that this proposed disposition of force was not immediately executed; yet your Lordships will find the reason of it to have been, that the month of October, which intervened between these propositions and the 3d of November, when this plan was carried into execution, was occupied in applications made, first, to endeavour to procure a peace with the Mahrattas, which was rejected; and, afterwards, to negotiate with the Raja of Berar for the safe conduct through his provinces of six battalions of sepoys, that it was resolved should be sent upon the 26th of October, in compliance with the requisition of Sir Eyre Coote, made upon the 3d of October, that that additional force should be sent by land, when a safe conduct of them could be secured by a negotiation with the Raja of Berar.

Application to the Raja of Berar for passage for troops.

In consequence of that, Mr. Hastings, upon the [26th] of October, 1780, proposed that these battalions should be

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* See "Minutes of the Evidence," p. 1528.

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formed and sent to Madras, as soon as the state of the roads would admit of it, and an answer had come from the Berar Raja; and then he proposes that, with respect to infantry, an endeavour should be made by new recruits to supply the loss of what was now sent, but refers to General Stibbert as to what should be necessary on that subject. And your Lordships will find that in the letter of General Stibbert, which your Lordships inquired after when this subject was before you, but which the Managers did not conceive to have any connection with this business: yet it does appear to be connected with this subject, because it was in consequence of this that General Stibbert, upon the 28th and 29th of October, 1780, suggests his opinion that the proposition of Sir Eyre Coote for bringing down the force of the upper stations to protect us below could not safely be carried into execution, because of a new danger that was communicated to him by a letter sent from Major Bristow, who was at one of our northernmost stations [Daranagur], which is next a body of people called the Sikhs, and in which Major Bristow states his apprehensions of an invasion from them, that the low state of the Ganges offered a fair opportunity for them to cross over and commit depredations in that part of the country, and that, therefore, there would be an occasion for an increase rather than a reduction in that quarter.

Letter of Gen. Stibbert.

Apprehension of invasion of Sikhs.

General Stibbert suggests the necessity of it; he objects to the proposed mode of reinforcement by recruits that it would be six or eight months before recruits would be fit for service, and he suggests that some other mode should be adopted. Therefore, upon the 3d of November, upon reading this letter again under this state of affairs, they came to these two resolutions; one of which is to provide for the additional defence of the northern stations, by calling upon the Nawab Wazir to require of Fyzula Khan his quota of troops, being, as they imagined it, 5,000 horse, to assist in the defence of the upper stations; and, at the same time, they all agreed to desire the Governor General to write to Cheyt Sing, to require such part of the cavalry actually entertained in his service as he could spare for the service of the British Company.

Objection to recruits.

Resolutions of the Council to demand cavalry of Cheyt Sing.

My Lords, this is the history of the present measure; and your Lordships are now to pronounce upon it—whether it originated in private malice and a design to ruin Cheyt Sing, or whether the measure was not a natural consequence of the then state of affairs—was the result of the operations of

The measure necessitated by the state of affairs.

24 Apr. 1792. Government, and that it was an indispensable act of duty in the Government, in the then pressing and alarming state of the Company's affairs, if a body of cavalry was kept up in the province of Benares and very much wanted for the public defence, to apply to Cheyt Sing, to desire to know whether he could spare them, and to give us such as he could spare.

I hope, therefore, I have cleared this measure from any malignancy in the motive of it on the part of Mr. Hastings.

The demand not calculated to ruin Cheyt Sing.

I apprehend to have shown also that there could be very little danger that this measure would operate to the ruin of Cheyt Sing. And it seems to me a very extraordinary idea, that such means should be taken with a view to effectuate the ruin of Cheyt Sing—a demand made upon him of five lacs of rupees, which was only equal to one fifth of his net income, and, consequently, no more than a land tax of four shillings in the pound—that that demand should be considered as intended for his destruction; and that an application to him for such part of his cavalry as he could spare, and which were actually entertained in his service, could be attended with any such consequences. I should rather have supposed that the Raja, upon this requisition, would have said—"Having no object but that which is in common with you, to provide for your and my defence against the common enemy, having this cavalry stationed here, if they can be removed so as to operate more advantageously for the public defence, I entreat you to use them. There they are at your service. Let them be sent from Benares to the next province. I am perfectly willing that that distribution shall take place which is thought by you to be most advantageous for the public interest."

Application to him to pay for maintenance of the cavalry.

With respect to there being no application made to him to pay for them, indeed that could not take place, for the Raja never on his part came forward with a single horse. The proposition to pay for them would only have been made when they were to serve in the field; but if their station only was to be removed, if they were only to be ordered to march from Benares into the Behar province, I do not conceive there could be much additional expense to the Raja, if he were to bear the whole of it, from being in one place instead of another, because they were only such as were then in his actual pay. But if it did become necessary that they should serve offensively in the field, and that an additional expense be incurred in consequence of it, it does

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not appear, by anything that is stated, that that would not have been taken into consideration by the Board, and every reasonable provision made.

Conduct of Cheyt Sing.

But what was the conduct of Cheyt Sing in consequence? Your Lordships will find that the demand was communicated to him in a letter from the Governor General, and, likewise, communicated to him in a letter written in the name of the Board to the then Resident, Mr. Fowke, requiring him to make the demand in the terms that I have stated. Mr. Fowke states that he did make the demand upon him, and that he had delivered it upon the 2d of December, 1789. Your Lordships will find, that appears from a letter of the 16th of December, in which he states fourteen days to have elapsed subsequent to his delivering a parwana. He states, upon the 7th of December, that he had explained the demand to Cheyt Sing; that he had obviated any apprehensions that he could have of its being converted into a permanent imposition; had told him that the service would be required of this force no longer than the continuance of the present war. He states that he had not then received any answer from him. Yonr Lordships will find that this person, called upon by his duty, bound by his tenure, to afford us this assistance, remains silent in that perilous exigency of the Company's affairs, without giving any answer even to the demand to know what he could spare; that he remained a whole month without sending any answer to it at all! And your Lordships will think that pretty extraordinary on the part of Cheyt Sing, when he did in his own letter, that is supposed to be such a model of submission, accuse Mr. Hastings of delay in answering his letters—his shuffling, prevaricating, letters, when he for a whole month, in a time of perilous war, gives no answer to that which required immediate answer, not only as to the requisition, but also to know what he could spare!

Neglects to answer the demand, for the space of a month.

Complaint of his conduct by the Resident.

My Lords, it does not rest merely there, but your Lordships will find that Mr. Fowke, the Resident, had great reason to suspect his conduct to be premeditated; that he suspected there was design in these delays; and that he found it necessary to make complaints to the Board of the conduct that this person was observing, in the same manner as every Resident had found it necessary to complain of his conduct, from the beginning of the war, with respect to every demand that the Government made upon him. Mr. Fowke states—

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"Fourteen days are now elapsed since I delivered to the Rajah your perwanna, requiring to know the number of his horse which he could detach for the Company's service. I have frequently pressed him for an answer, which he continually delays, and, it appears to me, that those delays are studied." *

Disposition of Cheyt Sing to rebel against the Company.

My Lords, our distress, instead of inducing Cheyt Sing to co-operate in our defence, had a contrary effect upon him, and he did encourage this ambitious and wicked hope, which he soon afterwards attempted to execute by his rebellion. He was at that time encouraged to act the part he did by wicked spirits that were at work, and that, afterwards, did co-operate with him in the rebellion to endeavour to destroy the British government in that quarter of the globe. That he was induced to act the part he did by wicked advice, by base promises of assistance by a neighbouring power, and of co-operation in the rebellion—when that subject comes to be a matter of discussion, I undertake to prove to your Lordships. I mean the Princesses of Oude. When all the evidence upon that subject is brought forward, your Lordships will see how clearly, in every part of it, it tends to establish the fact that they did act in the assistance of Cheyt Sing upon that occasion.

Instigation by the Princesses of Oude.

Letter from Mr. Belfour.

Your Lordships will find that, prior to that business, there is a letter that furnishes a clue to the conduct of Cheyt Sing upon this occasion, which is upon your Lordships' Minutes, and which, as it is a short one, I will beg your Lordships' attention to. It is in page 199. It is a letter from Mr. Balfour, addressed to Mr. Hastings.:—

"Sir, about the month of November last, I communicated to Mr. Markham the substance of a conversation said to have passed between Rajah Cheit Sing and Saadut Ally, and which was reported to me by a person in whom I have some confidence. [The mode of communicating this intelligence I left entirely to Mr. Markham. In this conversation, which was private, the Rajah and Saadut Ally were said to have talked of Hyder Ally's victory over Colonel Bailie's detachment,] to have agreed that they ought to seize this opportunity of consulting their own interest, and to have determined to watch the success of Hyder's arms. Some days after this conversation was said to have happened, I was informed by the same person that the Rajah had received a message from one of the Begums of Fyzabad—I think it was from Sujah Dowlah's widow—advising him not to comply with the demands of Government, and encouraging him to expect support in case of his resisting."

Rebellion of Cheyt Sing.

My Lords, he did resist—and he was supported. He was supported in his rebellion by the persons who promised

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* Letter from Mr Fowke, Resident at Benares, to Mr. Hastings, dated 16th December, 1780.—Printed in the "Minutes of the Evidence," p. 1534.

him support—by the Begums. Your Lordships will remember that a thousand of his troops, that served in the army in his rebellion against the Company, were sent by the Begums from Fyzabad; and the general co-operation of them in the adjoining province will be stated in such a manner as, I conceive, will leave not a particle of doubt upon that subject. This your Lordships observe was prior to the rebellion, for it was in November, 1780, that this conversation was overheard and stated, and, therefore, it was not a thought taken up after the rebellion actually took place—after assistance was known to be given by the Begums—but preceding it. It was a circumstance discovered accidentally before.

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Troops furnished by the Begums.

My Lords, upon the 7th of January, 1781, Mr. Fowke again writes to the Board. He says,—

Letter of the Resident, 7 Jan. 1781.

"I have this day received the inclosed answer from the Rajah to your perwanna respecting a detachment of his cavalry for the service of the honourable Company. He has informed me that he shall not be able to detach more than two hundred and fifty horse; the remainder being absolutely necessary for the collection of his revenues."

Pretended inability of Cheyt Sing to furnish more than 250 cavalry.

My Lords, I will prove that pretence to be just as well founded as all his pleas of poverty were for not complying with the demand of the subsidy. He had at that time in his service three thousand cavalry, and the necessity for his collections would not have required three hundred; for with, I believe, not more than one half of that number were all the collections made, after the change had taken place in the government, and consequently when, it will naturally be supposed, [it was not] so easy to carry on the collection of the revenue subsequent to his rebellion and flight.

He has pretended in that letter, which is in the 117th page of the Minutes, that he had only in his service thirteen hundred. In the first place, if he had only thirteen hundred, he could have spared us a thousand, if not more than three hundred, as I have stated, were required for the collections. In the next place, that is not true, if I am rightly instructed, as to the actual number he had in his service;—and I am induced to believe I am rightly instructed, because, in the list of troops that were actually employed against us in the month of August, 1781, which was a very short time subsequent to this—the 7th of January, 1781—your Lordships will find there were to the number of very near three thousand actually serving in arms against us.

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Appointment of Mr. Markham as Resident.

Subsequent to this, Mr. Fowke was removed from his residency and a successor appointed to him; and it has been glanced at in a way of accusation, in the course of this Charge, that he should have appointed Mr. Markham to the residency of Benares. I think it will not be necessary to say anything more, to vindicate the propriety of that measure, than to refer your Lordships to what is stated upon the minute in which that proposition was contained. It is in the printed Evidence, page 280. Mr. Hastings there says,—

Mr. Hastings' minute.

"While this Government is charged with such extensive concerns, and has to contend with difficulties equal perhaps to those in which the supreme administration of the British empire is at this period involved, it may at least claim as a right what, under any other system of government [that hath ever yet existed, would be imposed on it as an indispensable obligation, to employ and exercise the powers which are inherent in its constitution and which are immediately necessary to the support, and eventually to the existence of those essential interests which it holds in charge. On this principle I claim the right of nominating the agent of my own choice to the residency of Benares. It is a representative station, and cannot, without a contradiction, be the charge of a man not preferably chosen to it by the members of the actual Government, and holding it by an authority independent of theirs. Speaking for myself alone, it may be sufficient to affirm that Mr. Francis Fowke is not my agent; that I cannot give him my confidence; that, while he continues at Benares, he stands as a screen between the Rajah and this Government instead of an instrument of controul; and that the Rajah himself and every chief in Hindostan with whom we are in connection, will regard it as the pledge] and foundation of his independence."

If there is any danger of such an inference being drawn from that circumstance, undoubtedly what had appeared rendered it essentially necessary at this period—the 14th of January, 1781—that a person should be sent up in whom the then existing Government had entire confidence. Mr. Hastings states himself to have fixed upon Mr. Markham, as a gentleman approved of by his colleague in office—then Mr. Wheler—and in whom they could unitedly repose the fullest confidence. I trust your Lordships will think that they were well grounded in that opinion entertained of the merit of that servant. He was sent up to Benares, and arrived there in the beginning of the month of February, 1781; and your Lordships will find him, from that period, actively employed in every means that could be used to bring back the Raja to a sense of his duty and to a compliance with the requisition of the Government, and to rectify the evils that were experienced in the police and government

Endeavours of Mr. Markham to persuade the Raja to comply with the Company's demands.

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of his country. In particular, he was directed to endeavour, all in his power, to persuade the Raja to feel the absolute necessity of his compliance with this requisition of cavalry. The distresses of the Company increasing every hour, the necessity of the co-operation of every person that belonged to Government was represented over and over again, and he was pressed by Mr. Markham every month and every week; and yet your Lordships will find that, from the month of February, when Mr. Markham went there, down to the time of Mr. Hastings' arrival, Cheyt Sing never could be brought to furnish a single horse, though when Mr. Markham made the application — first, as he was directed to do, for the number of two thousand, and, afterwards, in a way that was somewhat humiliating to Government, desiring that he would send even fifteen hundred—and afterwards the demand dropped down to a thousand — in answer to that Cheyt Sing would only say this—"I will send you five hundred bircundasses"—which are, as your Lordships will hear, infantry—a rabble, and which he perfectly knew was an offer that was entirely nugatory, and would be of no sort of use to us. But, even when that proposition was made for five hundred, Mr. Markham said to him—"Let me see a disposition even to furnish them, and I will then write down to Government and let them know that you are ready to comply with their requisition." But all was shuffle and delay from the beginning of the year to the end of it, and he never could be brought even to muster one single horse.

Evasions of Cheyt Sing.

Such was the conduct of Cheyt Sing, and such was the conduct of Mr. Hastings with respect to the only two species of demands that were made upon him throughout the whole war—a demand of five lacs, the subsidy continued for three years successively, and a demand of cavalry; the first of which in every year was for a period, first, of two months, then of three months, then of four months, disobeyed and resisted by Cheyt Sing; and the compliance with it at last obtained, as your Lordships will remember, by a military force in the year 1779; and the Board thinking it necessary, in the year 1780, to adopt further means, not only to threaten him with military force, but with a small fine to be imposed upon him for his past disobedience, but which never was exacted.

Finally, we come to the last year of our distress. Distresses thickening upon us his disobedience increases; and

24 Apr. 1792. at length it is not only procrastination and evasion, but direct, positive, disobedience and refusing to comply with the conditions upon which he held the zamindary.

Charge relating to a letter from Mr. Hastings to Cheyt Sing, complaining of unpunctuality in paying his rent.

Before I state what was the opinion entertained by Mr. Hastings of the conduct and designs of Cheyt Sing, I will beg leave to advert to and dispose of another paragraph in this Charge, which relates to a letter written to Cheyt Sing in the month of January, 1781; and, my Lords, the language of that paragraph is so extraordinary that I will beg, with your Lordships' permission, to read the whole of it, in which your Lordships will perceive how one of the most trivial occurrences on the part of Mr. Hastings towards Cheyt Sing is interpreted—what motives are imputed to it. The circumstance was writing a letter to him to remonstrate with him respecting his unpunctuality in the payment of his malguzari, or rent. The Charge states—

> "In further prosecution of the said wicked design,"—which is the design to ruin Cheyt Sing—"and in order to draw the said Rajah to some act which might afford a pretence for violence towards him, that he did, some time in January, 1781, peremptorily and insultingly write or cause to be written a letter charging him with delay in payment of his monthly kists or payments, and with being the cause of the nonpayment of the stipend of Mirza Saddit Ally, although the said Cheit Sing did pay his kists with the utmost regularity, and the stipend to the said Mirza Saddit Ally was paid with equal regularity, at the very time when the said Warren Hastings did falsely and unjustly charge him with delay in paying the same."

Imputation of design to obtain pretext for violence.

The charge is stated to be "false, wicked and malicious"—that it originated in a motive "to draw the Rajah to some act that might afford a pretence for violence against him." A more diabolical motive cannot be stated to exist in the heart of man—to designedly state a charge against a man that he knew to be false, and merely to draw him to some act that might afford a pretence for violence against him. My Lords, I should have thought that Cheyt Sing, if that was the object, had already afforded a pretty good pretence by his conduct in respect to the demands that I have stated; but it seems, so obedient, so faithful and punctual, was this man in his obedience that it was necessary to devise a false charge against him, in order to draw him on "to some act that would afford a pretence for violence against him!" Your Lordships will find, the evidence upon this subject commences in the 98th page of the printed Evidence; and, in addition to the charge, it is there, I perceive, made a point to which your Lordships' attention is directed—

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"That it could not possibly be by mistake that Mr. Hastings could have made this charge against Cheit Sing, but he must have known it not to be true when he made it."

Proof of Mr. Hastings' charge against Cheyt Sing.

Now, my Lords, I should have thought that, judging of the conduct of Mr. Hastings upon a subject of this sort with any reasonable degree of charity, it might be supposed possible that a governor of a great empire, in the then state of affairs, might have overlooked a document, if that document had established the negative of what he supposed to be true; that it might be referable rather to mistake than to wicked and bad motive, as is here stated. But it happens unfortunately for the observation here, that, when you examine the evidence upon that subject, the mistake is altogether on the other side; for the very evidence the prosecutors have produced themselves, to show that he could not be mistaken, establishes the truth of it when it comes to be looked into, and shows the direct contrary to be the truth of all the allegations stated in this Charge!

Benares Journal.

The evidence upon the subject consists, in the first place, of a general Benares journal for the year 1780. And I beg to say with respect to the journal that it proves nothing at all upon this subject, because your Lordships will find it consists of a catalogue of months, and opposite to each month the sum that became due in that month, but the time of payment does not at all appear by that journal. If that journal were correct at all, it might be supposed that always, at the very day and hour when it became due, every kist had been actually discharged—the contrary of which is notoriously the truth, and which they have themselves proved. The journal, therefore, proves nothing one way or the other, except that, at the time of making up that journal, the whole had been paid; and, when it is made up and the whole paid, then to each month the kist that belongs to it is placed, and credit is given the Raja for the whole; the whole having been actually paid. But that is not the proper document to ascertain the time of payment; therefore I should have thought your Lordships might have been spared the trouble of reading that journal, and that they should have rather produced the proper document to prove when the payment was actually made.

Letters of Mr. Fowke, the Resident.

The next piece of evidence which they have produced consists of two letters written by Mr. Fowke, the Resident—one of them in December, 1780, the other in January,

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1781; and they propose by that evidence to show that Mr. Hastings and the Government of Bengal were informed of the actual, regular, payment of these monthly kists by the Raja. Your Lordships know, the payment of the rent was divided into instalments of a month each, with an express obligation to pay each kist in the month that it became due. One of the letters is dated the 7th of December, 1780, from Mr. Fowke, and is in page 102; the other is dated the 13th of January, 1781, in the same page. These are to prove the punctuality of Cheyt Sing. Now it happens to prove directly the reverse—to establish his unpunctuality; for it appears by this very letter of Mr. Fowke that the kist that was due upon the 4th of November was not paid until the 7th of December, and, consequently, was one instalment in arrear. In order to prove, therefore, that he did actually punctually pay his kists, that he paid them agreeably to his engagements, and to show that it was impossible that Mr. Hastings could have supposed the contrary, they produce a letter from the Raja establishing the direct contrary, and showing him to have been a month in arrear!

Unpunctuality of Cheyt Sing's payments.

The next letter also proves the same. The letter of the 13th January, 1781, shows that the kist which ought to have been paid on the 4th of December was not paid till the 13th of January. Perhaps it may seem that being one month in arrear is no great arrear; but when it is recollected that the payments were all to be made month by month—when it is recollected that the express orders are that you shall never permit a zamindar to be more than fifteen days in arrear—when it is recollected that, if it is let go in arrear, it soon becomes a hopeless lost debt—there does become a necessity of watching over the punctual payment of the malguzari by each respective zamindar: and Mr. Hastings thought it a singular circumstance that, at this particular period, when the Company were known to be in this state of distress, Cheyt Sing should drop in arrear in the way stated.

Letter of Mr. Hastings, referring to representations of Cheyt Sing's unpunctuality.

Mr. Hastings said, in the letter which is the subject of imputation, and which is in page 101,—

"Frequent representations having been made to me of the want of punctuality in the payment of your malguzary,—that part more particularly which [is assigned for the disbursement of Seidut Ally Khan's salary—and it having, at this time, more than any other, a bad and suspicious appearance, I do peremptorily order that all arrears, of whatsoever kind, be paid up within twenty-four hours after the receipt of this perwanna, or you must expect that] bad consequences will follow."

All that Mr. Hastings did was, he stated that representations had been made to him of his unpunctuality, and he orders him to pay. 24 APR. 1792.

It is said tbat Mr. Hastings could not possibly be mistaken upon the subject, because of the intimation given by Mr. Fowke. I shall show with what degree of correctness these inferences are drawn upon the subject, when I produce a letter from that very Mr. Fowke, containing the complaint upon which Mr. Hastings acted. It is supposed that Mr. Hastings could not possibly be mistaken, but that he must have fabricated a false and wicked charge, to draw the Raja to some act of violence, because of the letter from Mr. Fowke, which letter establishes his unpunctuality: and I shall produce another letter from Mr. Fowke, which contains that very complaint that Mr. Hastings took up and pressed upon the Raja! That letter is written by Mr. Fowke upon the 16th of December; in which Mr. Fowke says, after stating his misconduct in respect to the cavalry and the studied delays he had practised upon that subject,—

Letter of Mr. Fowke complaining of Cheyt Sing's delays.

"As my own remonstrances have been ineffectual, it becomes also incumbent upon me to inform you that the Raja for some months past has been exceedingly dilatory in the payment of the money assigned to Sadit Ally's monthly allowance. He has not to this day discharged the amount which became due on the 4th of last month. The bills too for the monthly kists, which used to be made out by the 15th of the month, are now never heard of till the end of it. It is true there is as yet no difference in the days of payment, but these delays have been gradually increasing, and are the effect of an inattention to business which must in the end produce a failure of payment."

Mr. Hastings' letter to Cheyt Sing occasioned by that of Mr. Fowke.

Immediately upon the receipt of this letter it was that Mr. Hastings wrote the letter in question, copying almost *verbatim* the charge he had received from the Resident upon the spot, and only desiring Cheyt Sing would discharge the arrears complained of by paying them to the Resident at Benares. Was it not the duty of Mr. Hastings to do so? If he had not done it, would he not have failed in the discharge of his duty, and might it not much more probably have been said that he wanted to draw on the Raja into that failure and unpunctuality that he afterwards might make use of it against him? Instead of which, he desires him to remove the cause of complaint. I would only observe here that it is possible to be mistaken without any malice, and I should rather have thought that Mr. Hastings' conduct might have been [differently] judged of. If he, in the midst of all the concerns of government, in the most

Justification of his conduct.

24 Apr. 1792. perilous state of its affairs, had made a charge of this sort, and it had been not well founded, he might have had credit that it proceeded from mistake; when those who accuse him upon the very point, in a charge drawn in years of leisure, are themselves mistaken upon the subject matter of that accusation.

Assertion of prosecutors respecting custom of making payments in India.

I will not detain your Lordships further upon this subject than to say, that, with respect to another point connected with it, the prosecutors have been equally mistaken, when, in order to account for these letters of Mr. Fowke stating him to be in arrear, they have stated, in the 102d page of the Minutes, after observing the times of payment, that they made the observation in this place, because they intended afterwards to prove by oral testimony that the course of payment in that country is to pay one month under another. My Lords, that promise never was fulfilled; and it never will be fulfilled, because it is directly contrary to the fact, for no such course of payment ever did prevail in that country; and that shows that they may be mistaken both in their written evidence and in their proposed oral testimony, the which they never did produce. And what if they had consulted any of the Residents or persons conversant with the subject?—nay, if they had consulted what appears upon the records with respect to this very Raja, who did pay in general within a short time after the period of payment, but at that period when he was to be suspected for delay, namely, in October, November, December, 1780, and January, 1781, at that which became to be the most pressing period, accompanied the delays with respect to his cavalry with these delays in the payment of his malguzari? And then it was that Mr. Hastings stated that it had at that time a bad and suspicious appearance.

Delay in payment the cause of Col. Camac's distress.

My Lords, I come now to consider another matter that is stated by Mr. Hastings, which apeared to him to have been a cause of complaint—that the delay of payment of the subsidy, in the year 1780, had produced the distress of Colonel Camac's detachment. My Lords, upon this subject also we are told it was impossible that Mr. Hastings could act from mistake. In imputing that to Cheyt Sing he must have acted from malice and wicked design to ruin him. Every accusation he makes against him is not only false but wilfully false, and brought against him for the purpose of effectuating his ruin. I have already shown that it is at least possible that the accusers may not be well founded in

Imputation of malice in making the charge.

Circumstances of the case.

this, for there certainly is no malice in the charge. A great deal of evidence has been given for the purpose of proving that the whole blame in respect to the distress of Colonel Camac's detachment rested upon Mr. Fowke, the Resident; and there has been a minute investigation of documents for the purpose of proving these propositions:—that the order to remit to Colonel Camac's detachment was upon the 7th of September, 1780; that it was communicated to Mr. Fowke, and would, probably, arrive there about the 15th of September; that Mr. Fowke, who had before that period of time remitted one of the five lacs to Calcutta, received upon the 20th and 24th of September one lac and a half from the Raja; and that it does not appear that Mr. Fowke, after he had received it, did remit the lac and a half that he had in his hands to Colonel Camac's detachment, in the province of Malway; but, on the contrary, it appears, by a letter written by Mr. Fowke upon the 18th of October, that he had not till then remitted the payments that he had received from the Raja, but that he did on that day remit some bills that he received from the Raja. The letter that I am speaking of begins in the 94th page of the Evidence, and runs through the two following pages. 24 Apr. 1792.

Delay of Mr. Fowke in remitting part of the money.

The whole result of this inquiry as to the cause of this distress comes to this—that, with respect to one lac and a half, Mr. Fowke—for whom I am not counsel and whom I am not bound to defend—was to blame. It does not yet appear why Mr. Fowke did not remit that lac and a half. Whether he waited, as should seem from his letter of the 27th of September, 1780, upon the solemn promise that the Raja had given him to pay the remainder, which, your Lordships will recollect, was two lacs and a half; whether the non-payment of the remainder, operated to prevent the negotiation he was making for bills to remit the whole; or whether any other cause operated upon Mr. Fowke for the non-remittance of a lac and a half; it does not concern me to inquire. It is enough to state, that, with respect to the two lacs and a half which the Raja neglected to pay after he had notice, there is a delay imputable, justly so, to the Raja.

Nonpayment by the Raja.

The Raja has said upon the subject that the remittance of the money did not depend upon him. It certainly did not; but the payment depended upon him, and it is the non-payment that he is charged with, when he had notice given him upon the 5th of August, 1780, by Mr. Fowke, the Resident, that this money was intended for a particular

24 APR. 1792. appropriation, when notice was given him that the exigencies of the Government were pressing, when he had made a solemn promise of the full and instant payment of the whole, which he had done in June, 1780. He is guilty of a delay for four months of two lacs and a half, from the month of June, when it was demanded, to the 18th of October when it was finally paid; for that delay Cheyt Sing is justly chargeable, and for all the consequences that the delay produced.

Letter of Major Camac representing his distress.

I will state to your Lordships a letter that Major Camac wrote on the 1st of November, 1780, representing in the strongest terms the distress which he experienced;—

"I arrived in camp the 28th from Devyur, and immediately gave orders for marching on the other detachments; but hearing of their very great distress for provisions, and the cause of it the want of money, [I was obliged to countermand it, in order to afford them every assistance in my power. From the enclosed extracts from Captain Johnson and Mr. Hicks, you will see the state of matters with them. They are now advanced into the hills beyond Narwar, and, though it is only 12 coss, from the badness of the road, they have three days' march to Tipparee. From the utter want of money in camp, and the baniahs having trusted the sepoys till they have not an annah left, it is impossible to carry a single day's provision with them. The sepoys have not a rupee to pay for grain, being three months in arrears, nor can the baniahs supply them longer, and both are deserting every fort. In this situation it was impossible to advance without three days' provision; and it would be destruction to return. But their difficulties are strongly painted in the enclosed, wherein you may perceive it was debated, and resolved to return if my letter had not just then arrived. In these untoward circumstances you may conceive my state of mind; every exertion was made use of to raise cash, every resource and expedient tried. To add to my misery, the money which I had fed my hopes on, and was in hourly expectation of from Benares, came the day before only in part, to the amount of two lacks and a half, in bills on Gohud at 52 days after date, so that there was forty and odd days remaining of it. This had been ordered the 12th September by the Board, and though so early as the middle of that month I had told you my distress, yet I had managed one way or other, and never plagued you with my difficulties in this respect, feeding my hopes with this expected supply. They were all dashed by this news, and had no resource but in the Rannee, or endeavouring to get them discounted."]*

The bills unavailable for raising money.

He then states that he sent those bills for the purpose of raising money, but could raise none upon them. They were of no use, because they were drawn at so long a date that no money could be raised upon them.

It has been said that the Raja was not bound to pay

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* Printed in the "Minutes of the Evidence," p. 1561.

except by bills drawn at fifty-one days. It is very true that, as applied to his rent, there was this engagement—that when he remitted it to Calcutta the bills were to be drawn at fifty-one days' date; but the Company had the option, in respect to the rent, to make the demand at Benares, and if paid there it was to be paid in cash. The fifty-one days' date, therefore, applies only to remittances to Calcutta, and has nothing to do with demands of this sort, supposing it had been rent. In the next place, this was not the rent, but the subsidy; and to that the contract of fifty-one days no ways applies. The demand made was agreeable to his own promise of immediate payment. If he had paid it, as he ought to have done, your Lordships must suppose it would be easy, when he had as much as four lacs of rupees in his hand, to have negotiated for much better bills, by the competition among the different bankers in that country. In that respect it seems to me that, notwithstanding I admit the evidence upon the subject of the lac and a half to have fixed a great degree of blame upon Mr. Fowke, yet, as to the nonpayment of two lacs and a half for four months, that still remains as a just charge upon Cheyt Sing, and the manner in which it was paid at last.

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Assertion that the Raja had liberty to pay in bills at 51 days.

Not true with regard to the subsidy.

I hope I have said enough to show that at least Mr. Hastings might be justified in supposing this distress produced by the Raja, so as to exclude any idea of malice in his attributing the distress as having been occasioned by his delay. But, suppose I was to admit that no part of this distress was in any respect occasioned by the Raja, but that the whole of it was imputable to Mr. Fowke and to Mr. Fowke only? Mr. Hastings is charged with having removed Mr. Fowke as Resident at this very time. I do not mean to say that he was removed upon this ground. Undoubtedly Mr. Hastings did not advert to it; but it can never be supposed that Mr. Hastings intended in this business to screen Mr. Fowke, or protect him against any just charge. This person he is accused of having removed, not being a person of his own choice, to make way for one that had his confidence; therefore it cannot, under these circumstances, be supposed that there was any corrupt or sinister intention in the charge made upon this subject.

Possibility of Mr. Fowke's being chargeable with the delay.

Another observation I would make upon it is this—that the evidence upon the subject not only excludes any idea of malice in Mr. Hastings, but, if it were to the full extent to

21 Apr. 1792. be admitted, it cannot establish the innocence of Cheyt Sing in the non-payment of his subsidy. It must necessarily have operated in a degree highly detrimental to the state of the Company's affairs at that period; and it seems to me to be of little consequence to inquire whether it produced the distress of Major Camac's detachment, or operated to the distress of some other detachment; because, when all were distressed, the nonpayment of the subsidy must be attended with some distress somewhere. If it was true in the month of June, as Mr. Francis and Mr. Wheler stated, that they had no money in their treasury—that there was a balance of twenty-eight lacs against them, and that they could not find resources to go on with the war; and if it was true that all the army and different establishments were three months in arrear—that there was crying distress in every quarter—not only in Colonel Camac's detachment, but in all the troops that were serving under Colonel Muir, at Coonjepore, at Futtygurh and Dinagepore, and all the other establishments—that we had complaints of the distress experienced in every quarter—then certainly the nonpayment of his subsidy must operate to the detriment of the public service, circumstanced as it then was.

Consequences of Cheyt Sing's delay in paying his subsidy.

Under these circumstances it was that Mr. Hastings has stated what his opinion was of the conduct and designs of Cheyt Sing. And, my Lords, here Mr. Hastings has been severely accused again of malice; that all he stated in accusation against Cheyt Sing was the invention of his own bad mind, altogether unfounded in truth; that he has imputed to him, not only contumacy and disobedience, but designs hostile to the Government, which are altogether false and ill-founded; that it is extravagant, incredible and untrue. And it has been urged in argument—in a way that, if your Lordships will permit me, I will just state from another document which is not in evidence before your Lordships—that Mr. Hastings, when he formed his design of seizing upon the treasures of the Raja of Benares and of deposing him, did not believe him guilty of that premeditated object of driving the English out of India, with which he afterwards thought fit to charge him, or that he was really guilty of any other great offence; because he has caused it to be deposed—

Charge against Mr. Hastings of malice in his accusations of Cheyt Sing.

Deposition of Anderson, 4 Jan. 1782.

["That you were determined to call him to an account, and oblige him to make an atonement for his conduct in this instance, and the want of attachment he had shown to our government, by paying a con-

siderable sum of money to the relief of the Company's exigencies; that, if he consented, you were desirous of establishing his possession on the most permanent and eligible footing, but, if he refused, you had in your power to raise a large sum for the Company by accepting of an offer which had been made for his district by the Vizier."] *

My Lords, that is the argument against Mr. Hastings—that the charge could not be true, because he intended to settle the zamindary upon him upon the most eligible footing, if he paid a heavy fine for supposed offences which did not exist:—"if they had existed you ought to have gone further,—to have deposed him and dispossessed him of his zamindary." I will now state what it was that Mr. Hastings has charged the Raja with; and I will then submit to your Lordships the evidence that already appears, and the additional evidence that will be to establish every part of the imputed charge upon Cheyt Sing.

That Mr. Hastings intended to settle on Cheyt Sing his zamindary.

My Lords, the passage which is particularly alluded to in the Article before your Lordships, that states the pretences of Mr. Hastings to have been "allegations equally extravagant, untrue and incredible," is in the 112th page:—

Mr. Hastings' charge against Cheyt Sing.

"These instances of contumacy and disobedience, criminal as they were in themselves, and aggravated by the extreme and known distresses and dangers of the superior state [to which he owed, not only personal fealty, but every voluntary aid which all the resources of his zemeedary could contribute, appeared to me of less consideration as such, than as they were evidences of a deliberate and systematic conduct, aiming at the total subversion of the authority of the Company, and the erection of his own independency on its ruins."]

He then states the various circumstances that have induced him to form that suspicion of him, and he then concludes:—

"Lastly, that he was collecting or had prepared every provision for open revolt, waiting only for a proper season to declare it, which was supposed to depend either on the arrival of a French armament or on a Marratta invasion."

My Lords, I will now advert to each of the allegations stated in this paragraph.

In the first place, Mr. Hastings states, that he conceived the conduct of Cheyt Sing to have exhibited "instances of contumacy and disobedience, criminal in themselves and aggravated by the extreme and known distresses and dangers

Contumacy, aggravated by the known distress of the Company.

* "Attestation of David Anderson, Esq.;" dated 14 January, 1782.—Printed in the Appendix to Mr. Hastings' "Narrative of the Insurrection in Benares;" Part III. Num. ii. B.

24 Apr. 1792. of the superior state." That is stated, in the charge before your Lordships, to be "false, wicked and malicious;" that Cheyt Sing afforded a complete justification or a full denial of the whole; that he was a person perfectly innocent, and the charge altogether the invention of malice.

My Lords, I have, in order to establish the negative of that, submitted to your Lordships, I fear too much in detail, but for the purpose of establishing it in a way that could not be controverted, by the perusal of all the correspondence and documents that passed between the Board and Cheyt Sing, the fact of these instances of contumacy and disobedience, in the way represented and complained of by every person, and felt by every member of Government and by every Resident upon the spot—that he was guilty of instances of contumacy and disobedience. Was it criminal or not in a subject of the Government, possessing the means of serving that Government, to withhold from them the supply of money and troops, in a time when the exigencies of state required both? Does not every subject hold his property, which is the gift of the state, upon the implied condition that he should obey the state, and contribute to the defence of the state? Cheyt Sing did neither. He held his zamindary upon the express terms that, if he acted in any manner contrary to the fidelity he had thus sworn to maintain, his zamindary and all the rights and privileges annexed to it should be forfeited. I apprehend, therefore, that I have established clearly the fact of the instances of contumacy and disobedience, and the additional criminality of them on account of the known distresses of the superior state.

Endeavour to subvert the authority of the Company.

The next point that Mr. Hastings states as an aggravation of them is, that they were evidences of a deliberate and systematic conduct on the part of Cheyt Sing, aiming at the total subversion of the authority of the Company and the erection of his own independency on the ruins. This is stated to be a supposition extravagant, incredible and untrue. First, as to its extravagance. "That a single zamindar"—say they—"should attempt such a design as that imputed to him of subverting the Company's authority and erecting his own independency on the ruins"—that is taking one part of the subject and not adverting to the whole of it. Mr. Hastings states that there were evidences of that general design on his part; not that he would alone solely attack the English power or expect to succeed in the subversion of it,

but that, in the event of a Mahratta invasion or a French armament, he might intervene; that, with the co-operation of public enemies in our then state of distress, when staggering under our multiplied difficulties in every quarter of the government, that he might entertain a hope that an opportunity would present itself of effectuating that which was the object of his wish, namely, to establish his own independency. He could not hope to do it without first subverting the authority of the Company, because, while the authority of the Company remained, there was no hope for him to obtain his independency. That he had a wish for independency is a natural wish, recollecting how he was educated, that it was the wish of his father to obtain independency, that he stipulated with the then sovereign of the country to obtain that independency; and it does not appear, therefore, an extravagant thing that Cheyt Sing, having a force consisting, as appeared in the field afterwards, of about 22,000 infantry and cavalry, possessing strong forts well garrisoned and well stored, having a considerable resource in his wealth, by which he thought himself invincible, should have expected that, if a Mahratta invasion took place, which your Lordships see the Commander-inChief thought fit to guard against by increasing our force, or if a French armament arrived, which all the Government expected to arrive daily, that, in either of these events, added to the difficulties we had to struggle with at that period, it should present an opportunity of accomplishing the wished for object. 24 Apr. 1792.

Credibility of the charge.

With respect to its being incredible, I can only say that it was an idea credited by many persons upon the spot; that the Resident, Mr. Graham, in the year 1779, I think, or even before that, expressed strong doubts of Cheyt Sing's fidelity; that Mr. Fowke, who succeeded him, gave account of his preparations, and stated that he collected his troops secretly, and concealed their numbers from him; that Mr. Markham, who succeeded him, had every reason to believe that, if either of these events should take place, he would burst out into rebellion and endeavour to avail himself of it by obtaining independency; that it was the belief of a military officer stationed near his country, a very deserving officer, whose testimony we have been deprived of by his death subsequent to the commencement of this long trial—I mean Major Eaton; that he has expressed

24 Apr. 1792. his clear and decided opinion of the designs of Cheyt Sing in the same terms.

Deposition of Major Eaton.

I beg to refer your Lordships to the deposition Major Eaton has left upon the subject, which is in evidence before your Lordships, where, after stating that he was stationed at Buxar for three years and a half, which is a post immediately adjoining to the country of Cheyt Sing, where he had an opportunity of observing the conduct and disposition of Cheyt Sing—it is in the printed Evidence, page 229—he there states—

"That he verily believes, from the general conduct of the Rajah, that the said Rajah was disaffected to the English Government and wished for the subversion of the same."

Deposition of Major Macdonald.

My Lords, that was the opinion of another military officer who was stationed in the neighbourhood of Benares, and had opportunities of seeing and observing the conduct of Cheyt Sing and his people. I refer to the deposition of Major Macdonald, in the printed Evidence, page 260. He states—

"That he is of opinion, from the many conversations he has held with several persons who were inhabitants of the rebel Cheit Sing's country, that the rebellion had been meditating for some years; that the deponent was informed the matter was absolutely debated in the year 1779, and prevented only by the voice of a person about the Rajah, to whose judgment much deference was paid by the Rajah Bulwant Sing, father of the rebel."

It is, therefore, not the pure invention of Mr. Hastings to impute to Cheyt Sing that he had a rebellious design, but was the opinion of other persons upon the spot, who had the best means of knowledge. I apprehend it can hardly, therefore, be said to be an incredible proposition.

Facts warranting suspicion of Cheyt Sing's designs.

In the next place, that there were many facts that warranted that belief and suspicion of Cheyt Sing. I do not mean to say that all these facts were known at the time; but that, at this time, when your Lordships are now to pronounce that this imputation upon Cheyt Sing was untrue, when you couple all the facts that are now known and brought to light, that there can be no reasonable doubt but that that was the design of Cheyt Sing. It appears now that Cheyt Sing did clandestinely increase his military establishment; that he concealed cautiously from the knowledge of Government the strengthening of his forts, and the collecting of his military establishments. He was suspected of it, but he took means of preventing the knowledge of it. It is, I think, in the accounts given by some of the

Secret increase of military establishments.

residents there, that he used very extraordinary means for 24 Apr. 1792.
insulting and driving back any persons who were sent to watch them, in order to prevent the knowledge of it. That his military establishment was greatly and recently increased, appears from the indubitable fact of the state of preparation it was found in when the rebellion broke out; and which your Lordships will find, by the list of forces which he had been able by his own strength to collect in arms in rebellion against the British Government, consisted of 22,190 [men],—including the nujib battalion sent from Fyzabad, of 1,000 men—increased by husbandmen and others who took up arms with him to the number of 40,000. That all his forts were found in a state of great preparation for defence is certain by the fact of what we experienced in the month's war, when he waged open war against the British Government. His stores were found in a state exhibiting every mark of the process of an European laboratory; some part, unquestionably, from the manner and make of them, were purchased from our enemies the French.

Now I should be glad to ask, for what purpose was this preparation? Why was it clandestinely concealed from us, if it was meant to operate in our favour? Why purchase from the French those stores that he was to make use of [against] them? Why conceal it from us, for whose benefit they were to be made use of? We find that he was not only increasing that establishment, but increasing it in a most suspicious manner, namely, by tampering with our army—by corrupting the sepoys; procuring them to desert and to enlist in his troops. This is stated by Major Eaton, in the affidavit which I have already referred to, wherein he states the fact of his having frequently inveigled his sepoys to desert from the garrison of Buxar. Why should he corrupt our army and endeavour, at a time of war, to seduce from the garrison the troops that were serving there? One of them mentions a fact of two persons who deserted and were made use of by Cheyt Sing to inveigle some of the sepoys away, and who were raised to the rank of officers in Cheyt Sing's army. It was practised by a commandant, who swore to the fact of overtures being made to him by Govind Sing, the brother of Cheyt Sing, in February, 1781, at the very time when he was refusing to assist us with his horse.

Tampering with the Company's army.

In the next place, we find that he was making his country an asylum for fugitive rebels from the neighbouring country

Offering asylum to rebels from

24 APR. 1792.

Goruckpore.

of Baraich and Goruckpore, that was under charge of the British officers; that rebels from thence were received by Cheyt Sing, Selim Sing, Ganaroy, and other persons, who, it will afterwards appear in evidence, had lands assigned them, for themselves and their followers, at the very time when he had no money to assist his sovereign with. For what purpose was that done, and for what purpose were they afterwards made use of?

The fugitives afterwards encouraged to attack the Company's troops.

Immediately upon the bursting out of the rebellion, these very same persons, whom he had constantly denied to have received in his zamindary, were turned loose and sent to attack the British force in the adjoining country, aided by the assistance of the Begums. These rebels were harboured in the country of Cheyt Sing prior to the bursting out of the rebellion—and which he constantly denied, when charged with it. These persons were furnished with money—were furnished with the means of beating up for volunteers in Fyzabad for Cheyt Sing. These persons were all employed as instruments of Cheyt Sing, in endeavouring to attack the British force in the neighbouring country; instructed by a letter circulated all over that [country]—"wherever the English are, kill them and drive them out:"—that was the substance of a letter circulated all over Benares and in the adjoining country. In addition to that, it is stated by Mr. Hastings, and is proved by Major Eaton, that he had encouraged his amils and officers to treat the English with inhospitality and enmity. It appears by this letter, which I will not trouble your Lordships with a particular detail of, that Major Eaton made it the subject of constant complaint against Cheyt Sing and his people, that, when he sent into the neighbourhood for any articles of provision, they refused to furnish him with it, and told him in an insolent manner that if the Firangis—another name for the English—wanted anything, they should fight for it.

One instance I recollect of some guns that were brought in a boat and sunk. When buoys were placed to mark where they were, they cut away the buoys; being applied to to assist in weighing them up, their answer was—"we will not assist you in weighing your guns; we shall want them for ourselves, for the English will not hold the country long." That was before the rebellion.

Rebellious spirit of the people encouraged

In the next place, Major Eaton stated that the rebellious and daring spirit of that people was such there that, if some means were not taken to prevent it, his people would be spit

at as they walked along; that, upon sending a letter of complaint to one of the officers of Cheyt Sing, he took the letter and stamped upon it, and said—"who is he?—he belongs to the English;" and he, speaking of himself, [said] he could raise 400 men, and if the English wanted it they must fight him for it. These were subjects which all passed before the rebellion: they were all communicated to Cheyt Sing. Major Eaton swears he could never get the smallest redress from Cheyt Sing. Then it is not the mere disorders in the government, but there is the strongest ground to believe that Cheyt Sing was encouraging them to act the part they did. It was complained of to him, and no redress could ever be obtained upon the subject. Under these circumstances, I conceive it not to be an extravagant proposition, incredible or untrue, to impute to Cheyt Sing, that that positive misconduct in his intercourse with Government, and direct acts of contumacy and disobedience, did originate in a bad and hostile design—waiting for a favourable opportunity to carry it into effect.

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by Cheyt Sing.

Added to this general evidence upon a subject that preceded, we have only now to state the event. Can there be the least doubt now, when we see that, in the month of August, 1781, upon the first endeavour to bring this refractory zamindar to account for his conduct—upon the very first attempt—he bursts out into furious rebellion? On the 16th of August, 1781, he destroys our troops; he erects the standard of rebellion; there immediately flock and collect to it the army I have stated. Then it appears most clearly to what design all his plans and all his preparations were directed. Then it was that he made use of all that resource of wealth, largely and liberally, against us. Then did he set forth all the strength of his resources, to wage open war with the British power, and encouraged every person in that neighbourhood and in the adjoining country to oppose us. Then did he send out these rebels, in the way that I have stated, to effectuate the general purpose of his mind, namely, to subvert the English power and to establish his own independency.

Proof of his designs from the event.

Actual rebellion.

My Lords, when we couple the event with the previous suspicion and the conduct he had ultimately observed during the war, the opinion entertained by persons upon the spot seems corroborated, not only by the facts I have stated, but by the event; so that now no one can entertain any serious doubt what was the motive of Cheyt Sing for the uniform

24 Apr. 1792. contumacy and disobedience that he had exhibited to the superior state. I hope, therefore, I have established, not only that the fact is not that Mr. Hastings made these imputations from any malice, but that he made them conformably to the truth and from a well grounded belief; though he certainly did not at the time, and could not, know it to the full extent as since it has happened. Therefore, if I am to take up the argument that I before stated to your Lordships, which disputed the fact of Cheyt Sing's guilt, and draw an argument that it was impossible Mr. Hastings could have designed it, because he did not dispossess him, and that he would have merited dispossession, my Lords, at least, as addressed to that argument, I have it admitted that, if the fact of guilt was established, he deserved to be dispossessed of his zamindary.

Justification of Mr. Hastings' accusations of Cheyt Sing.

Charge that Mr. Hastings intended excessive punishment of Cheyt Sing.

The next subject of accusation against Mr. Hastings is, that he intended to punish him beyond what he ought. What was the intention of Mr. Hastings? He declared his intention to be, from a firm belief that it was necessary, at last, to call this person to account; to make him feel the authority of the Government and respect it; to frustrate these bad designs, if he had them; to reduce the means of executing them; to endeavour, if possible, by his own personal presence, to bring him back to a sense of his duty and obedience; and to adopt some plan of reformation in the government of his country, which called loudly for it. In addition to the evils that I have stated to exist, there was another crying grievance that called aloud for redress. I mean the total want of police in the management and government of his zamindary. Your Lordships recollect that the kotwali, which is the superintendent of the police, had been the express gift of the British Government in 1775. From that period had the appearance of public justice been gradually wearing out, till at length the country of Benares exhibited that lamentable and distressful picture of internal disorder that, as I shall show your Lordships, murders were committed in the streets and suffered to pass unpunished; that the cries of the inhabitants, imploring the Resident to interpose and procure them justice against the murderer, were in vain exerted; and that these poor sufferers were under the necessity of bringing the dead bodies of their murdered relations and laying them at the door of the Resident, and, afterwards, having them laid at the door of Cheyt Sing, to induce him, if possible, to give redress to the

Want of police in the province.

24 Apr. 1792.

grievances that were existing in the country. All the applications made by Mr. Markham upon that subject had been ineffectual.

Obligation on Cheyt Sing to expel robbers.

Cheyt Sing had, by the express terms of his sanad, undertaken that he would expel robbers. That was made an express stipulation in the terms of his sanad; and, by the constitution of Hindustan, where a zamindar is proved to have connived at or committed grievances of that sort, it is alone a ground for dispossession of the zamindary. Cheyt Sing had grossly connived at the wicked perpetration of all inhumanities in the country of Benares, in that sacred city, in a way that induced all the inhabitants of Benares to apply to Mr. Hastings, when he was there, to establish that sort of justice which he did, to the great blessing of the inhabitants, who have ever since experienced the best regulated police in that country of any country in India. Therefore, there was a necessity for regulation: there was a necessity for punishment. Mr. Hastings proposed both. He proposed it much short of what Cheyt Sing deserved.

Charge of excessive amount of the fine.

It has been said, and made use of as an argument against the propriety of Mr. Hastings' conduct, that the intended fine exceeded the just measure of punishment; that it was beyond the punishment that ought to have been inflicted upon him. I will beg your Lordships' attention very shortly to that subject.

In the first place, I apprehend that, if your Lordships should look at this charge, it will appear clearly to any person who should be of opinion that all the other parts of Mr. Hastings' conduct were unexceptionable—the magnitude of the fine only excepted—that at least he is innocent of this charge; because, in the first place, it would be impossible to substantiate thirty-two paragraphs because there is one of them that is true. If the fact were so—disbelieving all the rest and believing only that part of the charge that relates to the magnitude of the intended fine—if there were a separate and a distinct paragraph upon that subject, it would not be just or reasonable to convict Mr. Hastings and pronounce a judgment of guilty upon the whole charge, for the sake of one truth.

Assumption in the Charge of Cheyt Sing's innocence.

In the next place, if I was to admit that there was only one charge—that your Lordships could confine your attention singly to one charge and to that point only—the charge of an excess of punishment upon admitted guilt is not contained in this Article at all. Therefore your Lordships must

24 Apr. 1792. vote this charge to be true upon that ground for the sake of one point, but you must also vote it for a point not contained in it. The charge is constructed upon the ground of there being no guilt in Cheyt Sing at all; upon there being no reasonable or just cause to punish him at all; that Mr. Hastings intended to extort large sums of money from him, without any just or reasonable cause; that he was an innocent man; that the charge against him and the ground upon which he intended to extort money from him was altogether malice. That is not the charge—that, upon the supposition that there was guilt, punishment was necessary; that a fine was necessary, if not so large a fine.

It is impossible to state that there was no guilt in Cheyt Sing; that it was all malice in Mr. Hastings; and that the idea of punishment was altogether improper. In that way of stating it, your Lordships must vote the charge to be true, not for what it contains, but, believing it all to be false, for something it does not but ought to have contained. Your Lordships must also condemn Mr. Hastings for something, not that he actually did, but something he intended to do but never actually did. Therefore you must adopt more difficulties in that way, if you are to proceed upon that point alone, to substantiate a charge for matter not contained in it at all, and for something that was never done but only intended to be done.

The intention to punish not acted on.

In the next place, if even this were the only charge against Mr. Hastings—that is, an intention to exceed the measure of punishment—and if it were to be admitted that leaves no other part of accusation here, yet I apprehend it to be equally clear that, if that was the subject of accusation, it is no offence at all; for that the mere intention to commit a misdemeanour is not itself a misdemeanour. That the intent to do it may operate as an aggravation of some other offence I admit, but, in the case of all crimes, treason only excepted, to intend to do what is not right is not of itself a crime, for it never may be done, and till it is, it is not cognizable by any human tribunal.

I state this for the purpose of showing that, in the possible result, it is impossible to establish this Article upon this ground. But, standing here to defend the character and honour of Mr. Hastings, I do not mean to shelter myself under these observations, because I will meet the accusation upon the merits, and admit that, even now, we are to consider whether Mr. Hastings ever intended to do anything that

was not right. I trust I shall be able to show that every idea that floated in his mind upon the subject of Cheyt Sing was, not only free from malice, but was pure and right, and, if it erred at all, it erred in the extreme of moderation and not in the extreme of its being more than he deserved. For what, indeed, is admitted to me by the argument I have already stated, that, if the fact of guilt were [there], he merited dispossession of the whole? Was it an offence to intend to fine him, as Mr. Hastings declared his intentions to be, to impose a fine of forty or fifty lacs—the total amount of that your Lordships will recollect to be only the amount of one year's gross rent, and only equal to two years of his net income—if he had forfeited his whole estate, which he had upon every ground? He had forfeited it for the nonperformance of his tenure and the obligation that it imposed upon him. He had forfeited it upon the general principles that make every subject liable to assist and obey his sovereign—upon the tenure on which he holds his property: and it cannot be allowed to any subject to hold property from the state and not to pay obedience. I say, therefore, if he had incurred a forfeiture of his whole zamindary, it was surely a moderation and not excess of punishment to intend to do anything short of actual dispossession.

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Justification of the intention to impose the fine.

Mode of measuring the proportion of punishment to guilt.

In what way are we to measure the magnitude of punishment, as applied to the magnitude of guilt? Are we not to consider the offence, the evil to society and to the public from it, the means of continuing it, the cause of it, the ability of the person to pay in the case of a fine, the ability of a person to atone for the injury he has done? In every way of stating it, your Lordships will consider whether the intended fine of fifty lacs can in any respect be said to exceed the just measure of punishment. It was his wealth that was the great resource to which he looked, and he thought himself invincible. That it was that fed his pride, that made him hope for the means of effectuating his object. It was that wealth that enabled him to corrupt our sepoys, and to have the hostile preparations which he made use of against us. It was the withholding that wealth from the assistance of the Government that was the offence, and produced the distress and exigency and peril of the Government; —which he ought to atone for by making a just and a reasonable satisfaction to the Government, by contributing to its distresses.

24 Apr. 1792. In the next place, if he had these bad designs, it was a just act of policy to reduce the means of executing them. It was, therefore, right to apply that sort of punishment. And, as to the measure of it, if he had at that time personal wealth to the amount of four times the sum, if he had a productive estate to the net amount that I have stated, it surely could not be thought an unjust severity to make him redeem the estate which he had justly forfeited by the payment of so moderate a proportion of it. The magnitude of the sum is apt to induce us to suppose it to be a punishment inadequate to the ability of the person. Let me suppose a person holding an estate of an hundred a year and having personal property to the amount of two hundred. Let me suppose that person committing an offence which justly subjects him to the forfeiture of his estate, and, when he is called upon to receive judgment, he is let off upon the payment only of two hundred pounds. That would, indeed, be a case more favourable to the party than the one that I have stated, because that is supposed to be the whole of his personal wealth; whereas, according to every calculation that could be made, this formed only a fourth part of the personal wealth of Cheyt Sing.

But, could it be said that the punishment by a fine of two hundred pounds, for an offence that had forfeited the whole of a man's property, was so extraordinary as to be the subject of information? Mr. Hastings upon this subject acted with the same moderation that he had done throughout, with respect to Cheyt Sing—never having recourse to punishment till punishment was made necessary; and, at last, having recourse to that degree of punishment which alone was likely to operate as a reasonable chastisement and correction, and as an atonement for his ill conduct, but not proceeding to that length to which, according to the other arguments, he might be warranted in going, namely, totally to dispossess him of his zamindary. Therefore, I hope, with respect to these two accusations of Mr. Hastings,—one of which, admitting the fact of Cheyt Sing's guilt, seems to censure his punishment as too little, it not being a total dispossession; and the other accusation, that admits the fact of his guilt, questions the magnitude of the punishment — that Mr. Hastings has steered between the two extremes. He has not gone to the length that, according to one state of the argument, he might and ought to have done, namely, the

Moderation of Mr. Hastings.

complete dispossession; and he has, upon the admitted state of guilt, affixed that moderate punishment to it which might be likely to be effectual. In stating that, it will be recollected that I do not mean to say, that, if Mr. Hastings had fully known all that I have stated, he could have been warranted in forbearing to dispossess him of his country altogether. 24 APR. 1792.

My Lords, having now endeavoured to justify Mr. Hastings in respect of what he intended to do towards Cheyt Sing—which is expressed in the attestation of Mr. Anderson and the affidavit of Major Palmer, and also communicated to Mr. Wheler, and which states his intentions to have been to impose a fine of forty or fifty lacs of rupees; and, in that case, if it was paid, to settle his country upon him on the most eligible footing; that he proposed to go up to the country for the purpose of making the necessary regulations in the zamindary of Benares—it appears, by the same evidence, that he states, what is also made matter of accusation in this charge, that he had it in his power, if Cheyt Sing did not submit to pay that fine upon him, to dispose of the country to the Nawab Wazir. That is made, as your Lordships recollect, the subject of accusation in the nineteenth paragraph of the charge, which states—

Charge that Mr. Hastings intended to dispose of the country to the Nawab Wazir.

"In further prosecution of the design aforesaid, he did, in direct defiance of both the letter and spirit of the said treaties and agreements, wickedly and maliciously enter into a clandestine negotiation with the Vizier Nabob of Oude, whom the said Warren Hastings well knew to be the ancient and hereditary enemy of the Rajah and his family, and, from the enmity of his father, the said Rajah's family had been secured by the British power in the year 1765, for the express purpose of selling the territories of the Rajah to the Vizier for a sum of money to be paid to the said East India Company."

I shall certainly detain your Lordships but a few minutes upon this charge, because it seems to me, in the first place, to be pursuing an intent of Mr. Hastings in a very remote degree indeed, if the subject of it were criminal. It is an intent upon an intent. The first intent was to impose a fine upon him. If that intent were carried into execution—which was not quite certain—and if Cheyt Sing did not submit to pay it, then he had it in his power to adopt some means of transferring that country to the Wazir. Upon what terms was he to do it? What was the negotiation? In what stage was it? Nothing more than this, that some loose idea had been thrown out that he had it in his power to do it. That

24 Apr. 1792. is what was certainly notorious;—that the Nawab Wazir, who had been dispossessed of Benares, would be very glad to get it back again, and would give a great deal more than it was worth to be reinstated in the sovereignty of it; that the Nawab Wazir, therefore, would, if he could have raised money at that period of time, have contributed a large sum to the relief of the Company's distresses, if we reinstated him, *in statu quo*, by delivering back that country to him which we had taken from him. But how is it an offence, to look at that as a possible resource to take place if another event took place?

That it was contrary to the agreement with Cheyt Sing.

This would in itself, if he had actually carried it on, have been no offence at all. The only idea of an offence is, that it was contrary to the letter and spirit of the agreements with him. How is it contrary to the letter and spirit of the agreement with him? We had given him a long, a perpetual, lease of his zamindary. Was it contrary to the letter and spirit of the treaty to transfer the sovereignty that we had bought—to sell it back again? You might as well say that a landlord who had let a long lease of his tenement could not sell his tenement!

Then it is supposed that we had secured him and his father from the enmity of that family; and, therefore, to reinstate the Wazir would operate [in a way] detrimental to the Raja. If we had always before protected him when under that sovereignty, and done it not from affection but policy, is it not to be supposed we should adopt the same policy again? If we had always made use of him, being situated in a frontier country, as a medium between us and the Nawab, is it not probable that the same policy would dictate the same conduct? Therefore, I think, in any way of stating it, it seems very extraordinary that this should be selected as an instance of Mr. Hastings' intended malice against Cheyt Sing.

Charge of delegation of power.

There is only one other matter of accusation prior to going up to Benares, which is, the delegation of power. It is stated that this was also an act of malice in Mr. Hastings—to obtain a delegation of the power of the whole Council, in the year 1781. And upon this subject your Lordships have to consider, in the first place, the legality of it; in the next place, the motive for it. It is stated to be criminal in both respects. That it was illegal: that it rendered invalid all his subsequent acts, which are the subject of charge. That

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the delegation was illegal, because it was without any authority given him so to do, either by the East India Company or by any Act or Acts of Parliament.

Arguments to prove its illegality.

The evidence upon this subject is in page 103. The argument to prove it to be illegal has been—first, upon the ground of a standing order of the East India Company, in the year 1702; upon the regulating Act which passed in the year 1773; and upon a subsequent order, made in respect to the the military power of the Governor General, in the year 1778. Your Lordships will find the evidence upon this subject contained in the 176th page of the printed Evidence.

Subversion of a standing order of 1702.

In the first place, with respect to this order. It is stated to be a high crime and a misdemeanour in Mr. Hastings not to have adverted to a standing order that passed in the year 1702. I think that order has not been proved to have had any existence at all, at any period of time subsequent to that date; because, though evidence has been given of the transmiss of the standing orders of the Company, in the year 1753, yet I do not observe that there has been any evidence adduced to prove that this was amongst them. In the next place, no evidence at all has been adduced to prove that what was transmitted in the year 1753 was in existence at Calcutta subsequent to the year 1756, when Calcutta and all the muniments in it were taken, and, I believe, all the muniments in it destroyed: and that was particularly pointed out to the prosecutors at the time they were going through this evidence. The order of 1702 passed prior to the establishment of the present Company; for it was when there were two companies, and when all their possessions consisted, I believe, of what did not extend beyond the boundary of the Mahratta ditch.

The order obsolete or revoked.

This order of 1702 relates to three things. First, to direct, as a general regulation, that all our affairs are to be transacted in Council; next, to direct that all the members of Council shall be resident upon the spot; and, thirdly, that all our officers, in case of equality in Council, shall be determined by lot. I believe, with respect to all that is specific in this order, it has been totally obsolete for above forty or fifty years; and, with respect to part of it, it is directly revoked by subsequent orders upon the subject. I mean, in particular, with respect to the residence of the members of Council upon the spot; for, from the time that we have had any other place for them to reside in—from the time that they have had other establishments up the country—from

24 Apr. 1792. the acquisition of the diwani—from the establishment of provincial Councils and chiefs in the different countries—there has been, in constant course of the service, a member of Council at one time or other at these places, with the perfect knowledge and with the approbation of the court of Directors. Nay, it appears that the local residency of the members of Council at Calcutta has been the subject of repeated deliberation with the court of Directors. It was attempted to be renewed in the year 1753. That very time when they gave evidence of the transmiss of the standing orders, they recite the custom to appoint the second in Council to be the Chief of Cossimbazar, and they make any other of the Council eligible to that place. They afterwards sent out a fresh order—that no other member of Council should be chief of any other place, but that they should be resident. That is in the year 1753. And, upon the 25th of March, 1757, they expressly repeal that order and leave it open to appoint the Company's servants wherever they please. In the year 1766, upon the 21st of November, they expressly state that they have no objection to any of the select committee, whose attendance can be dispensed with, being employed as chiefs of factories. Upon the 23d of March, 1770, they revived the idea of local residence, and direct that the Council shall consist of nine; that they shall all reside constantly at Calcutta, be resident at the Durbar, the military commander excepted. Upon the 24th of November, 1772, which is the last order upon the subject, they state that, having revised the order for confining the residence of the Council to Calcutta, they are satisfied it is not attended with salutary effects, and they can no longer desist from revoking it, and they do hereby revoke the same, considering that thereby the Government of Bengal will be greatly promoted. Upon this very subject, therefore, in which they have given evidence of the standing order of the year 1702 being violated, if, instead of taking down from the shelf that order, where it has remained for so many years, they had had recourse to all the standing orders that have passed upon the same subject since, they would have found that subject to have been in the state that I have represented it, and the Directors at last forbidding the idea of confining it to local residence.

Residence of members of the Council in Calcutta.

With respect to the idea of deciding by lot, I believe there is no member of the Council of Bengal that remembers the execution of that order; so that, for violating that, if it were so, they must have gone to evidence beyond time of the

memory of man to prove its existence. With respect to the violation of the order of 1778, I beg to say that it has not the smallest reference to the subject; for it merely directs that the Governor General shall not, as such, possess military command beyond the fort and garrison of Fort William in Bengal: and that same order states that, when he finds occasion to leave the Presidency of Bengal, he shall be attended with his usual guard. This was to prove an order subsisting for local residence, which provides for the care of the Governor General quitting the Presidency: it only confines his military command. Why, Mr. Hastings' military command was confined and always so; but, when general powers were given to him, when the whole power of the Council was to be carried with him up the country for public purposes, it followed, as a necessary consequence, that the military power would be subject to the civil power just as much up the country as it would be while the whole power of the civil Government was exercised at Calcutta.

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Violation of the order of 1778.

With respect to the Act of Parliament of 1773, that also appears to me to have not the smallest application to the subject; because that Act directs, in establishing the Government, that they should possess all the same powers the President and Council did before. If, therefore, the President and Council did possess these powers before, the Act does not mean to take them away, but expressly to give them to the new Government. That act, therefore, instead of proving anything for that proposition, if I establish the usage, proves expressly the reverse, and establishes the legality of all the powers exercised by the Governor General upon this occasion. The question, therefore, seems to resolve itself into this point:—what were the powers exercised by the President and Council antecedent to the regulating Act; for, whatever they were, they are to continue and to be exercised subsequent to the period?

Imputed violation of the Act of 1773.

Now, upon looking into the records, your Lordships will find an uniform series of them from the year 1760, when Mr. Vansittart was sent up with full powers, down to the period that I am now speaking of. You will find the actual exercise of such a power by the Government upon the spot—to delegate the whole power of the Council to a person, when they found it expedient for public purposes, to visit the provinces, or to negotiate, or to treat generally or particularly with any of the native powers of Hindustan. The only instances I shall refer your Lordships to, in addition, are—

Precedents of delegation of power.

24 Apr. 1792. that of Mr. Vansittart, in 1760; one of Lord Clive, in 1765; an instance in the case of Mr. Hastings, in 1773; the instance in question; the third in the year 1784; another by Lord Cornwallis, the present Governor, in the year 1787; and, lastly, another in the year 1790.

Recent Act relating to the delegation of power.

I am perfectly aware that, by a late Act, the powers that were given to Lord Cornwallis in the last instance are confirmed. I think the Act of Parliament may be fairly stated not to have decided anything as to the antecedent legality. There is nothing in the Act, from the beginning to the end, that imports anything of the antecedent illegality of it. It declares the powers given to Lord Cornwallis to be legal from the beginning, and the acts done under it. And it was proper to do so, when it is considered that the powers Lord Cornwallis took in 1790 were to be exercised in another settlement, not immediately the subject of his own government, but when he was visiting another distinct settlement, and carrying with him all the powers of the Government to that place. In the instance of Lord Clive's delegation, I observe that the East India Company, who are informed of Lord Clive's delegation, express the fullest approbation of it and of all that was done under it; and, in particular, state, in letters that we shall lay before your Lordships and which I will not particularly trouble you with, only stating one paragraph, which seems to intimate an idea of the Government at home, in 1765, as to the propriety and legality of delegations,*—they state, in the 74th paragraph of a letter dated the 24th of December, 1765,—

Sanction of the practice by the Directors.

"We remark with pleasure that you are unanimous in your opinions."

And they expressly state, in a letter of the 17th of May, 1766,—

"We determined that the President and Council might delegate their authority to any civil servant they please."

The idea, therefore, of the right to delegate stands upon the established usage of the Company, constantly notified to the Company at home, constantly approved by them, and the legality of it never in any one instance questioned, till it was questioned upon the subject of this delegation.

Now, my Lords, I should think that this might have been sufficient to prevent its being made matter of criminal charge. But, my Lords, I think it goes further; for, if this be a

* See documentary evidence on the legality of delegations, in the "Minutes of the Evidence," pp. 1536 *et seq.*

power essentially necessary to be possessed by every sovereign authority, wherever it exists, and which must be considered as existing in that remote country, exercising complete sovereign authority as between them and all the powers of India, and all the persons under their government, it is a necessary and essential power that they should be able to delegate some person to carry with him all the powers of Government to those persons with whom it was necessary to treat, to settle, and to arrange matters. It is perfectly well known, the great importance that there is in the personal presence of the first member of the Government. It is well known, the impossibility in some cases of treating through the medium of agents, or by means of correspondence. If you cannot bring the powers of India to Calcutta, in that large and extensive empire, you must either all go up to them, or be able to delegate some individual to go up to negotiate with them. It is necessary for the prosperity of our affairs that such a power should exist.

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Necessity of delegation of powers of the Government in settling treaties.

Am I to be called upon to point out the clause in the Act of Parliament in which the power is given? No; it is enough for me to say there is no clause against it. If for the good of the service it does exist, and has always existed and been exercised, it seems to me that that is sufficient to establish its legality, and that that new Act gives to the Company the power which was exercised by the old one. If I am called upon to justify all the powers that have existed and that are every day exercised, I should feel myself at a loss to do it. We know how their powers have grown up with their government in that country; the charter being originally such as was adapted to a trading company merely. If you are to pursue the idea that delegates *non possunt delegare*, you must say that the Company, who in the first instance delegated authority, had not the power of war and peace to give their servants abroad, or any of the other powers they are exercising every day; but we all know that these powers have been found to be necessary. They have not been made the subject of express grant or express regulation. The Government here have debated in a degree with respect to the right to these territorial possessions; but the exercise of that power has grown up with their possessions; and this has been a power exercised by the Government there from an experience of its utility and necessity.

Absence of prohibition.

Delegation of power by the Company to their servants.

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Letter of Lord Cornwallis.

I find that strongly expressed in a letter of the Governor General, where, even subsequent to this, they had no difficulty, notwithstanding it had been made matter of express accusation against Mr. Hastings, to invest Lord Cornwallis with identically the same powers—I believe in most instances word for word—with this that is the subject of the charge. Lord Cornwallis and the rest of his Government stated, in their opinions upon that subject—"We are going upon an important business: the law does not expressly regulate what are to be the powers:"—not having an idea but that it was lawful they should have some power, but the precise power, they say, was not chalked out, but the necessity of the case justifies it. The reason and propriety of it dictate what ought to be done, when a fit and convenient occasion calls for the exercise of such powers. The service and the good of it call for what was done; and, therefore, if there was a fit occasion for the present, it seems to me it removes all idea of there being any impropriety or illegality in the act that was done.

Argument of illegality of the power conferred from the Council not being full.

My Lords, I have dwelt upon this a little, because the arguments against the legality of what Mr. Hastings did—possessing, as I conceive he did, all the powers of the Council, under that authority which was given him in the year 1781—have been rested principally upon the invalidity of the powers that were given him. I conceive it never can be justly argued, that what would have been a legal power if the Council had been full is made illegal because the Council was not full and consisted only of two; for, whether it consists of two or of one only, the argument as to the legality must be the same. They possess all the power of the Council by the Act when reduced even to one. Whatever, therefore, all the Council could do legally when full, they could do when they consisted only of Mr. Hastings and Mr. Wheler.

Manner of execution of the power

That the power and the plan intended to be pursued

Another consideration upon this subject has been with respect to the manner in which this power was executed; and it is said that, Mr. Hastings having the designs that he had declared in respect of Cheyt Sing, it affords strong grounds of suspicion as to the purity of his motive and his consciousness of the rectitude of his plan of conduct, that he should not have put upon the record the powers given to him and the plan of conduct that he intended to pursue. They were powers of regulation for the better government

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and management of the zamindary; to form such arrangements as were consonant with the engagements subsisting between the Raja and this Government. From whence it is argued, either that Mr. Hastings had not the intent to do what afterwards he actually attempted to do, or that, if he had it, he was conscious it was not a proper thing to bear the light and to put upon the records of the Company. I observe that exactly the same thing was done with respect to the powers that were given to the President in the year 1773. The instructions for the conduct of that President, who was going up then with a delegation of power, were ordered not to be entered upon the consultations, that they might not transpire, because, if they did transpire, it might have an improper effect; and, therefore, it was the opinion of the Government in 1781—or of Mr. Hastings in the year 1781—that to have stated upon the records of the Company that he was going up the country, for the purpose of calling Cheyt Sing to an account and of imposing a fine upon him, would have been improper. In the first place, that, when it rested in intention, to be governed by events, it was not right to be put upon the record. In the next place, if it had transpired it could have had no good effect, but might have had a very bad one; for if the Raja had after that resisted, it might have been said—"He did resist because he knew what you were coming up for; he knew you were about to inflict severe punishment upon him." In the next place, as to any argument derived from Mr. Hastings wishing to conceal it, that is sufficiently obviated by the proof there is of his actual notification of that purpose to Mr. Wheler, his colleague in office. The putting it upon the records of the Company could do no more at the time than communicate it to Mr. Wheler, and to Mr. Wheler a private communication answered the same purpose. He communicated it to Mr. Wheler, and received his approbation as to what he conceived of Cheyt Sing and his proposed plan of conduct respecting him; and that seems to me a more proper mode of executing the same thing.

were not put on record.

Justified by precedent.

With respect to the generality of the powers, I conceive the fair argument to be derived from this is, that Mr. Hastings had no design to dispossess the Raja. He certainly had not. He meant to do something short of actual dispossession; and from thence a fair argument, as it seems to me, arises, that Mr. Hastings, who is supposed uniformly to have pursued as his object the ruin of Cheyt Sing, should

The generality of the powers.

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not have followed up the ill behaviour of Cheyt Sing with that consequence; that he should have forborne to execute it in that manner. I conceive, therefore, that, in no way of considering the subject of the delegation of powers, does there arise any just argument against the purity of the motive or the legality of the powers that were given.

Objects of Mr. Hastings in going up to Benares.

I have already stated to your Lordships one of the objects of Mr. Hastings in going up to Benares to have been the regulation of the police. There was another object likewise —a subordinate one. It appears, by the intimation that he gives to Mr. Markham to provide the documents ready for him, that he meant to make some regulations with respect to the commerce in the country, concerning which there had been many complaints, and which he afterwards beneficially arranged for the country by some very operative duties. To regulate this zamindary and to propose arrangements in it was of itself a fit object of attention, at the time Mr. Hastings was going to the Upper Provinces to have a meeting with the Nawab Wazir, and to take an opportunity of meeting the minister of the Raja of Berar at Benares, for the purpose of getting the Raja of Berar to act against the confederated states. With all these views Mr. Hastings proceeded to Benares.

Proceedings at Benares.

The next subject for your Lordships' consideration is, the proceedings that took place at Benares after he went there. The first subject that is adverted to in the Charge is—for the whole of the proceedings at Benares are the subject of the 22d paragraph of the Article in question: the proceedings at Benares are all stated, and are the subject of that paragraph—the first respects the meeting between Mr. Hastings and Cheyt Sing. Cheyt Sing came to Buxar for the purpose of meeting Mr. Hastings; in what manner did Cheyt Sing come attended to that meeting?

The meeting with Cheyt Sing.

My Lords, it will appear, by the evidence that I shall beg leave to refer your Lordships to, of several witnesses, that a very extraordinary conduct was pursued by Cheyt Sing respecting that meeting, antecedent to its taking place;—and your Lordships will find clear proof of Cheyt Sing's manifesting upon that occasion the same general design—not of immediately, at that time, resisting openly the British Government, not of immediately bursting out into rebellion, but of putting himself into that state of preparation to be ready to resist the orders of Government, and, in case of an attempt to enforce the orders of Government, to repel it by force.

Design of Cheyt Sing of preparing for rebellion.

CONCLUSION OF THE SPEECH OF THOMAS PLUMER, ESQ., COUNSEL FOR MR. HASTINGS, IN DEFENCE UPON THE FIRST ARTICLE OF THE CHARGE, RELATING TO BENARES; 26 April, 1792.

WITH the permission of your Lordships, I presume now to resume the consideration of the first Article of the Charge, at the point at which I left off when I had last the honour of appearing at your Lordships' bar, hoping to be allowed by your Lordships' favour to conclude, this day, what I have remaining to offer upon this subject. 26 APR. 1792.

Your Lordships will recollect that the point at which the consideration left off last was the journey to Benares; and, having already considered what the charges against Mr. Hastings are respecting his intentions of proceeding against the Raja, prior to his going up to Benares, the Charge now takes up what he actually did at Benares—the conduct of Mr. Hastings and the conduct of Cheyt Sing. Journey to Benares.

My Lords, the first point which is contained in the 22d paragraph, upon this subject, is,— Terms of the Charge.

> "That Mr. Hastings wickedly and maliciously undertook this journey to Benares, the motive and the object of it being to harrass and oppress and ruin Cheyt Sing, and to extort large sums of money from him without any just and reasonable cause;" Extortion of money.

and the Article states this to be aggravated—

> "although Cheyt Sing had a short time before, knowing the malice of the said Warren Hastings, offered to pay the sum of twenty lacks of rupees for the service of the East India Company."

Upon this subject, Mr. Hastings is charged, in his conduct personally towards Cheyt Sing, with having been guilty of wanton cruelty, and of tyrannical and oppressive conduct, notwithstanding the most humble submissive demeanour on the part of the Raja. It is imputed to him that the rebellion that took place was raised by his violence, breach of faith and oppression; and the expulsion of Cheyt Sing is one of the acts charged upon him as a high crime and misdemeanour. Cruelty and oppression towards Cheyt Sing.

My Lords, with respect to the object of the journey, Mr. Hastings has stated the transactions at Benares to have been but a secondary and subordinate object; the primary Object of the journey to retrieve

26 Apr. 1792. one being to endeavour, if possible, to retrieve the Company's affairs, upon the other points which I took the liberty of stating to your Lordships, when I was considering the delegation of powers given to Mr. Hastings in this year —that the Company's affairs at that period did require every possible means of resource to relieve them from the ruin that was hanging over them, when it is recollected that, at that period, we had to contend, upon one coast, with Hyder Ali, with a very inferior army opposed to him, and upon the other, with the Mahrattas; that the peace proferred to the Mahrattas had been rejected; that both these Presidencies stated, in repeated and crying complaints to Bengal, that they must derive all their resources entirely from Bengal; that at that time a famine began to rage at Madras, in addition to the other calamities, and that all the letters written by Sir Eyre Coote, and by the Governors at Madras and Bombay represented that they must have seven lacs of pagodas a month, every kauri of which must come from Bengal, that the army must be disbanded, and the whole country reduced to ruin, unless Bengal could supply them both with money, and with grain and provisions for their subsistence; that at that period Bengal itself was in the greatest distress, the army in every station of it considerably in arrear, the treasury exhausted, so much that, in December, 1780, it was represented by the Government of Bengal to the Directors at home that they would probably be under the necessity of a considerable reduction, if not a total suspension, of their investment.

the Company's affairs.

Embarrassments of the Company.

My Lords, I do not urge this in any degree as an excuse for intending to impose upon Cheyt Sing a fine beyond what he deserved. Mr. Hastings never has urged the distresses of the Company as a reason for that act. I have endeavoured to justify that measure independently of it, and to show that, upon consideration of what Cheyt Sing had actually done, the intended fine was less than he merited. But, my Lords, I state what was the situation of the Company's affairs at that period of time for the purpose of showing the obvious motive that dictated a journey to the upper stations at that period—that it was an endeavour, if possible, to obtain both by arrangements with the Raja of Berar, whose minister was to meet Mr. Hastings at Benares, and, by endeavouring, if possible, to retrieve the affairs of Oude from whence there was, I think, very near a hundred and thirty lacs due to us—a million and a half sterling—to endeavour

Justification of the fine.

Object of the journey to procure resources for the Company's wants.

if possible, to obtain the liquidation of that debt which was the only resource to feed all the various exigencies that were pressing upon us at that period. It was incumbent upon the Government to endeavour to effect this, if there was any the least chance of success. I hope it will be sufficient to show that the obvious motive for it was not that which is imputed—a design to ruin Cheyt Sing, but that it arose from a desire to endeavour, if he could, to obtain some resources for the relief of the Company's affairs. 26 Apr. 1792.

Cheyt Sing encouraged to resistance by the Company's distresses.

In another point of view, it has also appeared to me fit to advert to that state of distress as a considerable aggravation of the guilt of Cheyt Sing—to account for why Cheyt Sing should conduct himself in the manner that he did; having, in the earlier periods of it, been induced to resist the orders of the Board by the dissensions in the Board, and afterwards to do it, by the distresses that hung upon the Company.

Objection of Mr. Hastings going to Benares with a small force.

My Lords, it has been said—"Why did Mr. Hastings go up to Benares with so small a force, if he believed Cheyt Sing to be meditating resistance against the Government?—Why did he not take a sufficient force to prevent it? He could not believe it to be true, because if he had, he would have taken the proper means to prevent it; and if he did not believe it, then his conduct is arbitrary, tyrannical and oppressive, in imputing to him guilt that did not exist." My Lords, I have already examined that subject, as to the reality of Cheyt Sing's designs and the reality of his guilt; but I do admit that Mr. Hastings did not at that time believe—what afterwards turned out to be the fact– that he did not believe at any time that he had designs of immediate resistance; but that it was to depend, as Mr. Hastings has expressly stated, upon one or other of two events—a Mahratta invasion or the arrival of a French armament; that he had only put himself in a state of preparation for open revolt when an opportunity should present itself. That Mr. Hastings did not, in point of fact, expect immediate resistance—that he did not think Cheyt Sing had arrived at that state when he would attempt it—undoubtedly is the fact; and without which I should be at a loss to explain the consistency or propriety of Mr. Hastings' conduct in not intending absolutely to dispossess him of his zamindary. But with the idea that Mr. Hastings entertained, that, though he had bad designs, it was yet not entirely hopeless to bring him back

Disbelief of Mr. Hastings in Cheyt Sing's state of preparation for resistance.

Desire of recalling him to a sense of his duty.

26 Apr. 1792. to a sense of his duty, by his personal presence and the means he proposed to adopt for that purpose—with that design, it seems not at all inconsistent or improper that Mr. Hastings should not have that degree of force that might have created an alarm in the country, and held out to our numerous enemies a prospect of dissension within ourselves, and that the Governor General was under the necessity of proceeding with an armed force to execute the orders of the Board upon a refractory zamindar. It seems to me, therefore, to have been a wise policy not to have collected together the forces for that purpose, unless it was absolutely necessary.

The smallness of the force a proof of pacific intentions.

But I think that the circumstance of going with so small a force may very justly be urged as an argument against what is here imputed to Mr. Hastings—that he designed to effectuate the ruin of Cheyt Sing. Is it probable that, if Mr. Hastings had been pursuing that as his favourite object and plan for four years together, when he ultimately was going to carry that into execution, he should take no force with him for the purpose which is supposed to be the primary design of the whole of his conduct; and that having the power to adopt the means for that purpose, he should abandon it when he was going in person to execute it? On the contrary, is it not a fair argument against the imputation of that design in Mr. Hastings to ruin a zamindar, in his own city, amidst all his force, that he should not take the means of effectuating it?

Aggravation from Cheyt Sing's offer of a present.

But it is said that the conduct of Mr. Hastings was aggravated because of the offer that had been made by Cheyt Sing, and that that offer was from a knowledge of Mr. Hastings' malice against him. The evidence that is adduced upon that subject is the affidavit of Major Palmer, who says, in page 273,—

> "The Governor General further declared to this deponent in the same conversation that an offer from the Rajah, but indirectly, had been made to him of twenty lacks of rupees for the public service, as a retribution for his failure of engagements."

That is the whole of the evidence upon the ground of which they state the cause of that offer to have been a knowledge of Mr. Hastings' malice! My Lords, it is enough for me to say that the evidence they produced assigns another and a more probable motive for it, namely, a knowledge of his own guilt and an offer to atone for it. But, my Lords, if that offer, by which the offender was to appreciate his own guilt, was not deemed an adequate one, it was the duty of

those who were to call him to account and to punish him not to accept it. 26 APR. 1792.

In the first place, the sincerity of the offer and the proper execution of it your Lordships will judge of, perhaps, from the whole of this person's conduct, in which he had certainly been making an offer and amusing and delaying the Government from the beginning. Your Lordships will judge whether, if he had made that offer and no steps were taken to enforce it, there was any probability it would have been complied with. But if the judgment was that he ought to have forty or fifty lacs imposed upon him, and if what he offered was not a moiety of it, that affords no argument against the propriety of the intended conduct with respect to Cheyt Sing.

Conduct of Cheyt Sing at the meeting with Mr. Hastings.

The next thing adverted to is the conduct of Cheyt Sing at the meeting with Mr. Hastings, upon the 14th or the 15th of August and on the following day; at which time, it is represented that the humble and submissive demeanour of the zamindar's conduct ought to have disarmed all idea of his entertaining any bad designs against the Government, and must have afforded the most complete proof of his fidelity, attachment and obedience. My Lords, he met Mr. Hastings at Buxar; and the Article enumerates with great particularity all the minute circumstances of his external demeanour that were exhibited at that place. He went on board Mr. Hastings' boat; communicated with him upon the subject; and the Article states—

"That he did, by every means in his power, endeavour to pay every mark of respect and attention to the said Warren Hastings, did express the utmost distress and concern at having given any supposed cause of offence to him, and assured him that his zemindary and all he possessed were at his devotion, and did accompany his words with actions strongly expressive of his sincerity."

My Lords, these are the passages selected from the Narrative of Mr. Hastings of the conduct of the Raja at this meeting—and I should have thought that, when it was professed to give what actually passed at that meeting and the conduct of the Raja upon it, it might have been as well to have stated the whole of what passed, and not to have described it in the manner the Article does—that it was an admission that he expressed his concern for a supposed cause of offence; when the account from which this is taken states, that, upon its being stated to him what the charges were against him, he expressly admitted the truth of them—not that it was a supposed cause of offence, but he admitted

26 Apr. 1792. the reality of it. My Lords, the account is given in the 110th page of your Lordships' printed Evidence,—

His admission of the charges against him.

"And then"—Mr. Hastings states—"he professed much concern to hear that I was displeased with him, and contrition for having given cause for it; assuring me that his zemindary and all that he possessed was at my devotion. He expressed his fears for Ousan Sing, who had been some days in my suit, and of the intrigues of his relations: and he accompanied his words by an action either strongly expressive of the agitation of his mind or his desire to impress on mine a conviction of his sincerity,—by laying his turban on my lap. I replied, that I had not seen Ousan Sing nor concerned myself about him, nor should I descend to be a party in his family disagreements; that my business was with him and him only; that what he had heard or might have conjectured of my displeasure was true; and I entered into a full discussion of the causes of it—that I had been already once deceived by his oaths and protestations, and should not suffer my purposes to be changed or my duty to be overruled by any verbal concessions or declarations, which were made with little cost and for the observance of which I had no pledge nor warrant to credit them. He pleaded his inability to answer my charges against him, admitted that he was in every respect faulty, but desired that I would forget the past and form my opinion of him on his future behaviour."

It is stated that the Raja, upon this occasion, exhibited marks of his sincerity. If he was sincere in what he did, was he sincere in what he said? If he was, he confessed his guilt. If the charges then were confessed by the person against whom they were directed, they can hardly be, what they are stated in the next sentence of the Article, when reduced into writing against him the next day, "false, wicked and malicious," having been just before admitted to be true by the person against whom they were presented. It can hardly, likewise, be true, what was stated here, that, when they were exhibited against him in writing, the Raja, in his written answer, in direct contradiction to his verbal one, entered into what is stated to be a complete justification or a full denial. There is that inconsistency in the conduct of the Raja at one time and another. If he was sincere at one time in admitting his guilt, it could hardly be, what is stated, that he offered afterwards a complete justification or a full denial of it.

But when what actually passed at this meeting is stated, in order to show the Raja's submission and humility, I am a little surprised that those who describe what passed should have entirely overlooked, when they were stating this circumstance of the turban in the lap, what seemed to me a little more solid proof of what his real plan and designs were, namely, that he had brought with him at that meeting,

Circumstance of his bringing with him

what is here described to have been, in the very same page —"a great fleet of boats, which, as I afterwards learned, were crowded with two thousand armed and chosen men." My Lords, that circumstance was altogether overlooked! But we are told that all this preparation was mere compliment and intended as matter of respect. It is a singular instance of respect to be shown by a zamindar to the representative of his sovereign, who came with a very small suite and attendance, that he should meet him with an army; that he should come down with two thousand men and eleven hundred cavalry; and that as a mark of respect to that power to whom he had constantly represented his inability to furnish them with one horse! It is a singular instance of compliment, that he should show the parade of eleven hundred horse, when he had constantly represented that he could not furnish the Company with one; for, though he made a talk about five hundred, he never mustered a single horse!

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2,000 armed men.

In the next place, I think it could hardly be thought matter of compliment, when it is considered what are the established ceremonials even between equals. To state an instance to your Lordships:—when Mr. Hastings went to meet Suja-ud-Dowla, and Suja-ud-Dowla learned that he came with a small attendance, Suja-ud-Dowla dismissed the attendants that were coming down with him, [as it] might be deemed incivility between individuals, if he came with a larger suite than the person who came to meet him. It could hardly be considered as a mark of respect, that a person, who must be considered as being in an inferior situation, should come down with a superior force to meet the representative of his sovereign.

Contrary to usage.

This fact of his coming with a superior force does not stand merely upon the account given in this passage in the "Narrative," but is verified by several depositions, and one of an officer in Cheyt Sing's service at the time, who was actually executing the orders of Cheyt Sing upon that occasion—a commandant of eleven hundred men in the service of Cheyt Sing, and who was one of the persons engaged in the rebellion afterwards. Your Lordships will find this fact stated in three depositions:—one in page 235; another in 248; and a third in 249. It appears there that Cheyt Sing, upon the intimation of Mr. Hastings' proposed journey to Benares, had given directions for the collection of this force; that it consisted, I think, by different accounts of it, of about

The fact of the armed force verified by evidence.

26 Apr. 1792. 2,000 or 2,250 men—infantry and cavalry; that he was attended by a person of the name of Munnihar Sing and Sadanund Bakhshi, and by all his chosen and confidential friends and officers upon that occasion;—and your Lordships will find it not an immaterial circumstance, by and by, to note who were his attendants. If there could have been any doubt respecting the real object of this force, one of the affidavits seems to me entirely to remove it, by stating what was the Raja's own declared purpose of it; for your Lordships will find in this affidavit, in page 235 [of the printed Evidence], an account given of it by one of Cheyt Sing's people, in these words—

Affidavit of one of Cheyt Sing's followers.

"The Rajah Cheyt Sing having reflected on his conduct determined with his confidential people that it was necessary he himself should go to meet Mr. Hastings, but that he should go from the place where he was with such a force and with such preparations as would enable him to act both by land and by water, and impress the above-mentioned gentleman with an idea of his superior strength, for that Mr. Hastings had with him but a small number of troops; and, if he should have entertained any ill intentions towards him, on observing the number and force of his followers, he would be led to recollect that nothing could be effected and, consequently, be deterred from making the attempt; therefore he gave information and particular directions to all his soldiers and attendants that he was going to meet Mr. Hastings, and that they should hold themselves in readiness to proceed—that they should go by water, for which purpose a fleet of boats was prepared; for the Governor General would come by water, and, consequently, his fleet of boats would come with him, it was necessary the Rajah should have a fleet of boats also, that his people might be always near at hand; that a body of cavalry should proceed by land, and tents be pitched at two places between Ramnagur and Buxar, for at all events he must meet the Governor General. Accordingly, on the 16th of Shaubaun, the Rajah set out from Ramnagur by water to meet Mr. Hastings. The jemmadars and huzzaries—Jaafur Khan, Dillal Khaun, Juttoo Khan, Kubburdust Khan, Lulloo the son of Kauna Mull, Rambuksh Baulkisken, &c., altogether near five hundred horse, also jamaadars of foot with matchlock men, &c., near two thousand, proceeded along the southern bank of the Ganges: and, by water, the Rajah was attended by a fleet of boats, in number about a hundred and forty, in which were embarked Sadanund Buxey, Golaum Hoossein Tay, Mirza Fyz-ullah, Bug Bauboo, Doordbigey Sing, Munnear Sing, Purtaul Roodur Sing, Doond Bahadre Sing, Ahlaud Missur, Meer Hossein Ally, &c. Sheakh Mahomed Aumeen, commandant of the Sepoy battalions, Dabee Sing, Mahommed Moraud Dhun Sing, and Hukkonut Sing, soubadars, with two companies of Sepoys, Huzzoore peadahs and matchlocks—in all about 2,000 men—Gudur Mull and Bullum Dass, who were stationed at Ghauzipoor, joined by orders from the Rajah, who afterwards arrived at Buxar and had an interview with Mr. Hastings."

I will not trouble your Lordships with reading other accounts that are given, with some little variation as to the distribution of the force, but they mention the fact of accom-

panying him by land and by water with the force that is here stated. I should have thought that, when it appeared there was this force, and when there was evidence, which is before your Lordships, of the declared purpose for which it was collected—I should have thought it just as material to be adverted to as the circumstance of offering and presenting his turban in the lap! 26 Apr. 1792.

But your Lordships will find that nothing, in point of fact, was actually done by this force at that time. It appears, by one of the commanding officers, that this force returned with the Raja and was stationed in the neighbourhood of a place called Shewalla.* Your Lordships will please to recollect that name—an unfortunate name for the British force—round which and in the neighbourhood of which was stationed this prepared force—collected, officered and instructed, in the manner that I have stated, prior to the arrival of Mr. Hastings.

The troops subsequently stationed at Shewalla.

Mr. Hastings, when he came to Benares, is stated to have—

> "wantonly, arbitrarily and tyrannically, degraded and insulted, and falsely accused him, the said Rajah, of certain acts of misgoverment, and of disaffection and breach of faith and duty to the East India Company, and of other crimes and offences, which said pretended offences were set forth in a certain paper writing, delivered or ordered to be delivered to the said Rajah, by the said Warren Hastings;"

and then it states that the Raja did, in the most submissive and humble manner, either fully deny or offer a complete justification of himself from the false, wicked and malicious, charges brought against him.

Mr. Hastings' charges against Cheyt Sing.

Now, my Lords, the charges are stated in a letter that was sent to Cheyt Sing, and which is in the 115th page, and the answer to it is in the following page. The accusations against Cheyt Sing exhibited by Mr. Hastings relate principally to three subjects:—first, his misconduct in respect of the subsidy in the year 1780; secondly, the demand of cavalry not being complied with; thirdly, the breach of those engagements in respect to the police. It is stated that all this was "false, wicked and malicious." I have already troubled your Lordships with the discussion of that subject. Whether it was false, wicked and malicious, to charge Cheyt Sing with neglect of duty in these instances and upon these subjects, or not, your Lordships, who have heard the evidence, will decide.

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* Shewalla Ghat, the locality of Cheyt Sing's palace in Benares.

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False allegations of Cheyt Sing, in answer.

My Lords, Cheyt Sing delivered what is stated to be a complete justification or a full denial in the most humble, submissive, manner. Your Lordships will find that that full denial consists of allegations that are false; and his complete justification is entirely frivolous. He asserts, in point of fact, that, from the arrival of Sheik Ali Nucki, which was prior to the year 1778, for he was there in the year 1778—from his arrival, he says—

"I observed sll the orders which you sent me;"—he says—"I sent my Buxey Suddanund to your presence, enjoining him to represent to you the firmness of my obedience and attachment, to lay before you the particulars of my situation and to learn the disposition of your mind towards me. He arrived accordingly in your presence, and represented everything in a proper manner. I have never deviated in the smallest degree from these professions." *

Number of horse in his service.

That is his assertion. Is it a full denial consistent with truth? Your Lordships have heard the evidence. He says, with respect to the horse, that he had only thirteen hundred. I will call evidence to prove that to be directly false; that he had in his service to the number of, I believe, three thousand. He has stated that he collected five hundred horse, and, as a substitute for the remainder, five hundred burkundazes. I will prove that he never could be brought to muster one. So much as to his full denial! His complete justification upon both these demands—the demand of subsidy and the demand of horse—is, that an answer was not sent to his letters. With respect to the business of the subsidy he says—

Plea that no answer was given to his letter requesting extension of time for his subsidy.

"In this manner I complied with the utmost readiness with the order you sent me for the payment of five lacks of rupees, on account of the expences of the war. I sent first one lack of rupees, with an answer to your letter. Afterwards, having paid to Mr. Fowke the sum of one lack and 70,000 rupees, I sent a letter requesting a further allowance of time to enable me to make some preparations. To this I received no reply."

Mr. Fowke's objections to false statements in the letter.

He urges, that no answer was sent to his letter as a reason for his noncompliance with the orders of the Board upon that subject. This letter is that very letter which, when he gave it to Mr. Fowke to send down to Calcutta, and desired him to back it with a small petition on his behalf, Mr. Fowke told him that the allegations contained in it were such that he could not be justified in inserting them in his own letter, for that, when they were read, they must appear to be ridiculous. Your Lordships recollect that letter. It is stating

* Letter from Cheyt Sing to Mr. Hastings.—Printed in the "Narrative of the Insurrection in Benares," p. 17.

poverty and urging them for three or four months time to pay that which he ought to pay immediately. When he stated that to Mr. Fowke, Mr. Fowke said the necessities of the Company were pressing, that it had the appearance of an appropriation, and that, when he considered the wealth he, Cheyt Sing, had from his father, his pretences of poverty were ridiculous. Notwithstanding that, he sends a letter, knowing that it was ridiculous and knowing the falsity of it; and because no answer is sent to that letter is his complete justification for not obeying the order of the Board. 26 Apr. 1792.

Now is it true that no answer was sent to it? The letter was read in the consultation on the 7th of September; and upon that very day the most substantial and, what ought to have been, the most impressive answer was sent to that letter; for it appears, in page 93 of the Evidence— **Order actually sent from the Council in answer to the letter.**

> "Ordered"—after reading this letter—"that Mr. Fowke do inform the Rajah that the Board are much displeased with those affected delays, knowing his ability to make immediate payment of the subsidy, and that he peremptorily require him to discharge it."

The letter was sent to Mr. Fowke, who says he has communicated it to the Raja, that the Board censured his letter, knew his ability, and required payment. That is his complete justification! He says, with respect to the horse,— **False statement respecting his offer of horse.**

> "You desired me in your letter to inform you of what number I could afford to station with you, and I sent you a particular account of all that were in my service, amounting to thirteen hundred horse, of which several were stationed at different places, but I received no answer to this."

In the first place, that is not the representation he sent down, for he made an offer only of two hundred and fifty. In the next place, he did receive an answer, for Mr. Markham was sent up with an answer to him subsequent to that letter, which he delivered upon the 7th of January, 1781; and Mr. Markham, who went up in February, carried the orders from the Governor General and a parwana to that effect, requiring him to send the horse; and he admits it just afterwards, which is a considerable inconsistency, for he says—"I received no answer: Mr. Markham ordered me to prepare a thousand horse." Was not that an answer? He then says he told Mr. Markham that they were ready to go to whatever place they were to be sent to. "No answer was sent upon this head, and I remained astonished at it." Why, when Mr. Markham had been all along constantly pressing

26 Apr. 1792. him and telling him—"Your answer to our letter"—just as Mr. Fowke had told him—"your pretence of inability—is ridiculous. There are horse parading before you sufficient to answer the demand of Government. You received an answer to your letter from me. You know I possess the representative authority of the Board. The Board will not remit the demand; they want it!" That was made to him repeatedly, month after month. That was a full intimation to him, and must have removed all possibility of doubt respecting this demand. These are the complete justifications!

Cheyt Sing's false answers to the charge of neglecting the administration of justice.

With respect to the police and the administration of justice, he says,—"I have given my amils most particular injunctions, and have taken a penalty bond from them that they shall keep no thieves in their districts." Taken a penalty bond! So he has; and so did we take engagements from him not to do it; but these engagements were violated, and violated in a place where his amils were not kept, namely, in the city of Benares, which was under his own immediate government. "What power had they to act otherwise? But, if ever a murder or robbery is committed in the country, I have been careful to impale or otherwise punish the culprit." That is his full denial. That I will prove to be directly [false]. He then says—"I have never swerved in the smallest degree from my duty to you." That is his assertion. If that be true, all the evidence I have been stating, and which you have now heard brought forward by the prosecutor, in part, and which we shall complete—all that is false from the beginning to the end. I conceive, therefore, that I have shown that this answer of Cheyt Sing's, which is held up as such a model of submission, is not, at least with respect to all the substantial parts of it, true in point of fact, or satisfactory as a justification.

Alleged submissiveness of Cheyt Sing's letter.

But it is said that Mr. Hastings must have been a tyrant—a despot—to consider this letter as otherwise than what it is stated by the honourable Managers; it is disgusting from its extreme servility, from its abject meanness and submission, yet did Mr. Hastings conceive it to be otherwise. And the honourable Manager said, if it be not submissive, he should be glad to hear a specimen of any letter that can be so. With respect to all the common forms that are adopted in that country as the ornamental parts of letters, I have no doubt but that all those decorations are inserted in it; but, when we extract them, where do we find

anything that indicates real submission? I should rather have thought it would have been a letter more deserving of that character if he had done what Mr. Hastings says he did not do. He says it was "less a vindication of himself than a recrimination on me." So it was; for, instead of admitting himself to be at all to blame, he throws all the blame upon the Governor, and says—"it is all your fault, because you would not answer my letters." 26 Apr. 1792.

It contained no concern for the causes of complaint.

Mr. Hastings says—"It expresses no concern for the causes of complaint contained in my letter, or desire to atone for them, nor the smallest intention to pursue a different line of conduct."

My Lords, in all these respects I think it was defective in submission. It would have been more a model of a submissive letter if it had given some hope that he was sensible of his guilt and meant to avoid the repetition of it; that he was willing to make an atonement for it, and express some concern for what was past; when, after an admission of his own guilt in person, he could be brought the next day, when he had got among his friends and adherents, to write a letter in answer to these charges which were proved, to say,—

> "I do not feel myself in the least to blame. You have not done your duty; the fault is yours; you did not answer my letters. But, in all that respects me, I have never swerved from my duty."

If that was his idea of his duty—if he thought to resist all the orders of Government for four years together was a fit discharge of his duty, it was high time to teach him a different lesson. It was very little to be expected that a man who could conceive this to be a discharge of duty would not conduct himself in the same way in future; and, therefore, if it was proper to prevent the repetition of such conduct, it was certainly necessary after this to take some means for teaching the Raja that that was not a due performance of his duty.

Mr. Hastings says that he considered this answer,

Interpretation of the letter as defiance of the Company's authority.

> "Couched in terms of defiance to requisitions of so serious a nature, as a strong indication of that spirit of independency which the Rajah has for some years past assumed, and of which, indeed, I had early observed other manifest symptoms, both before and from the instant of my arrival."

Therefore it is that this letter is looked upon by Mr. Hastings, not singly and abstractedly by itself, but coupled with all the antecedent conduct of the Raja, coupled with all the information he had had of the bad designs of the Raja,

26 Apr. 1792. coupled with those preparations he had made. By putting all the circumstances together, was not Mr. Hastings justified in considering then, what indeed he had been too tardy in believing, that the Raja did entertain a spirit of independency?

Mr. Hastings says:—

> "Under these alarming appearances of the Rajah's conduct and disposition, I conceived myself indispensably obliged to form some immediate and decisive plan for obviating their consequences, and for the preservation of the Company's rights and interests in this zemindary. To have left him in the full exercise of power which he had notoriously abused, and which it was to be apprehended he would employ to the most dangerous purposes, was totally inconsistent with the maxims of justice and prudence."*

Had he not abused these powers, and was it not dangerous to leave him in the full exercise of them? Upon this it is that Mr. Hastings does the only act that was ever done towards Cheyt Sing, as a preliminary proceeding towards bringing him to punishment for a crime which he had so long committed. Mr. Hastings says—and this was the last act done under the circumstances—he thought it necessary to secure his person.

Necessity of securing Cheyt Sing's person.

In whatever way it was fit to proceed against the Raja, it was indispensably necessary, in point of prevention, in point of punishment and in point of prudence, to secure the Raja's person; to prevent his retiring to his forts and erecting, as he did immediately when he had got away, the standard of rebellion; to insure obedience to whatever orders it might be fit to impose upon him; and to bring him to be responsible to Government for his conduct. This, your Lordships see, he did not do till he had first communicated his complaint to him in writing, and received his answer. After all this, was there not sufficient to justify merely the securing his person? Yet is that stated to have been wanton, arbitrary and tyrannical—"that he did arbitrarily and tyrannically degrade, insult, and falsely accuse him, the said Raja, of certain acts of misgovernment and of disaffection, and breach of faith and duty to the East India Company, and loaded him with unmerited indignities."

Assertion that the arrest was a disgrace, incapacitating him from governing.

My Lords, it has been said, that the arrest was an indelible disgrace upon the Raja, and would have incapacitated him from going on with the business of government, even if he had been permitted to attempt it. I have endeavoured to

* "Narrative of the Insurrection in Benares," p. 20.

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inquire whether there be any local circumstances or any peculiar customs in that country that make it a particular disgrace to a man of high rank, more than it would be in this country, [to be arrested] upon a charge as a state delinquent. To be put under an arrest is, in all countries, undoubtedly, a disgrace; but the disgrace arises, not from the imprisonment, but the crime imputed. It is already in proof by Mr. Benn that arrest with respect to zamindars is a common mode of proceeding for enforcing even a civil debt, and that it is not attended with that indelible disgrace that is alleged, with respect to the Hindus or even to the Brahmans. I find it to be the common, established, mode of proceeding in the Company's Government in that country, to enforce obedience to their orders of every description.

The arrest of zamindars not an indelible disgrace.

I will just refer your Lordships, to show what has been the constant practice upon that subject, to an instance—and it is one in which all possibility of any malice against the individual or of any intention to disgrace him is entirely excluded —I mean an instance which happened on the 1st of October, 1788, with respect to the Raja of Burdwan, a powerful and considerable zamindar, a man of a higher caste than Cheyt Sing was, and of very great rank, upon disobedience to the orders of the Board in not sending down his accounts which he was ordered to do: though he accompanied them with a humble and submissive letter, giving an account of the reasons which had prevented him, yet the Board deemed them evasive and ill founded, and agreed that a fine of 5,000 rupees be levied on him; and they write to the collector at Burdwan, that he be put into confinement, in case of his delaying to discharge it within the period prescribed. The collector states, in answer to that letter, that he had communicated his orders requiring payment within five days:—

Instance of the Raja of Burdwan.

"In obedience to the above orders, I communicated to the Rajah in writing the commands of the honourable Board, and, as he has persisted in withholding the payment of this fine, I have been under the necessity of placing a jemydar and twelve peons mohussils over him; and, should he still delay compliance with the honourable Board's order, I beg to be favoured with directions in what manner I am to proceed against him."*

Upon this, the Board unanimously order that, if he did not pay within twenty-four hours, upon a fresh demand made upon him for payment, he should be seized and sent down in confinement to Calcutta:—

* Letter from Thomas Brooke, acting collector of Burdwan, to the Board of Revenue, 8 November, 1788.—Printed in the "Minutes of the Evidence." p. 1619.

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"We desire you will, upon the 19th of November, order the collector of Burdwan to repeat the demand upon the Rajah for the payment of the fine; and, in the event of his not discharging the same within four and twenty hours, to put him under a guard and send him down in confinement to the khalsah."

This was done by Lord Cornwallis and the whole Board unanimously, certainly in a way that excluded any idea that they meant to inflict the smallest stigma or disgrace upon him, beyond what was necessary to enforce the regular orders of Government.

Now, what is the comparison? Cheyt Sing, who had for four years together disobeyed all the orders of the Board, not in not sending his accounts, but with respect to the subjects I have stated, and who had then exhibited such signs of that spirit of independency! Surely this is enough to show that it is conformable to the established forms of the country, and that it is no peculiar disgrace, to take this mode of proceeding against him. In the manner of doing it, every possible endeavour was used to prevent its being attended with any circumstances that might be hurtful to the Raja, beyond the bare security of his person. The order to Mr. Markham is—"It is my order that you proceed to-morrow morning to the house of Cheyt Sing with your usual guard and put him under arrest." And then Mr. Markham states that he went to the Raja; that he put him under arrest. The orders of Mr. Markham were left with the persons who were left in charge with him—that they should disarm his servants, but indulge him with any request consistent with the security of his person.

Consideration shown in executing the arrest.

Recapitulation of acts towards Cheyt Sing, prior to the insurrection.

My Lords, I have now gone through all the acts that were done by Mr. Hastings to this person, prior to the insurrection. Your Lordships observe that they consist merely of demands made on the part of Government of two descriptions; an accusation for the non-observance of them, and an arrest in consequence. That is the whole of the series of acts of tyranny and oppression!

Conduct of Cheyt Sing.

Now let us see what was the conduct of Cheyt Sing. It happened, very unfortunately for some of the gentlemen who afterwards fell a sacrifice at Shewalla, that, upon first going to the Raja in the morning, he expressed a request to Mr. Markham that Lieutenant Stalker, who accompanied him with about fifty sepoys, might be left with him; he was an acquaintance of his and he wished him to stay there. Most unfortunately, that gentleman was afterwards one of the first persons murdered upon the spot. The Raja desired

Murder of Lieut. Stalker and 50 sepoys.

also that a maulavi, who was a servant of Mr. Markham, might likewise be left with him, and who was another of the unfortunate persons murdered in the same place.

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The Raja acted his part so well, during the time that the preparations were going on, that it had the effect of deceiving Mr. Markham, and, likewise, of deceiving Mr. Hastings. He wrote letters of pretended submission, and which were written, as Mr. Hastings stated, in apparent despondency. They had that appearance at the time, and they are now stated here in the Charge as if they had been real; when, after what did pass and what it is known was going on at the time he was writing these letters, it is very astonishing to me that these letters should now be quoted as proofs of his real submission, and no notice at all taken of all that was going on at the same time.

His letters of pretended submission.

My Lords, these letters had the effect of operating upon Mr. Hastings to write him an encouraging letter. He says,—

Their influence on Mr. Hastings.

"I have received your two arzees from the hands of Mr. Markham and understand their contents. That gentleman will wait on you in the afternoon and explain particulars. Set your mind at rest and do not conceive any terror or apprehension."*

The Raja pretended, in answer to this, to be satisfied and to drop any apprehensions of danger. He says,—

"Your gracious letter has been received and made me acquainted with your comands. You order that in the afternoon Mr. William Markham will come to me; that I must not suffer any apprehension to disturb me, but remain at ease in my mind. My protector, wherever you spread your shadow over my head I am entirely free from concern and apprehension, and whatever you, who are my master, shall determine will be right."

My Lords, that was the last letter. Very soon after this, in the course of that disastrous day, took place those events that are stated upon this Charge in a most extraordinary manner indeed, and which have even, some of them, been to my utter astonishment vindicated.

My Lords, it has been stated that the manly spirit of Cheyt Sing's people acted upon this occasion in his defence. I will show your Lordships what was the manly spirit of that daring rebel; and your Lordships will then judge whether it was a manly spirit, or whether it was an act of foul and base ingratitude, of rank rebellion and foul treason against his sovereign. My Lords, all these troops that had been assembled prior to the arrival of Mr. Hastings, and which are

Assertion of the manliness of Cheyt Sing's people in the insurrection.

Troops assembled by

* See "Narrative of the Insurrection in Benares," p. 23.

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Cheyt Sing prior to Mr. Hastings' arrival.

stated by one of the commanders of them to have been brought and stationed in the neighbourhood of the very spot where the massacre afterwards took place—these troops that Cheyt Sing had given the orders I have stated to—that they should be ready and near at hand—consisted of his chosen friends and soldiers, picked men for the purpose, that they should all be stationed in the neighbourhood of Shewalla. There is an account given of it by Sheik Mohammed, who was the commander of eleven hundred and fifty sepoys in the service of Cheyt Sing. After giving an account of what passed at the meeting at Benares, he states—

Account by Sheik Mohammed.

"That the Governor General went to the garden of Mehadew Dass and the Rajah to Shewallah Ghaut, his armed people taking their stations in the neighbourhood; that his, the deponent's, people, did not arrive with the Rajah, but that he joined him with fifty sepoys and took his station near to Shewallah."*

Two companies of sepoys also joined the Raja from Ramnugur. He says that—

"On the day that the three gentlemen and the two companies of English sepoys"—

My Lords, these were Lieutenant Stalker and two others, Lieutenants Scott and Symes, who fell upon that unfortunate day, who were the three gentlemen that came with the sepoys—

"came to the Rajah, and the circumstance of his arrest was known, the Rajah's people, who were then stationed round Shewalla to the number of about 4,000, were armed and prepared for action: that at this time Munnihar Sing, Senamur Sing, and Nunkoo Sing, went to the Rajah."

Design shown in the disposition of the troops.

Here a subject raises an armed force, and goes with a hostile purpose to meet the representative of his sovereign. He stations them in the neighbourhood of Shewalla, with the general instructions that I have stated. When his arrest was known, these very troops that he had stationed and were commanded by his own relations and friends—Munnihar Sing being one of them, whom your Lordships will find to be an adopted son of Bulwant Sing, and the confidential friend of Cheyt Sing—these troops crossed over the river and immediately resorted to Shewalla, where the guard was set over Cheyt Sing. It happened, most unfortunately, that the prudent and discreet orders that Mr. Markham had left were not observed, for forty of the Raja's people who were armed were suffered to be within the immediate inclosure where the Raja was, the two companies of sepoys being in an external court, and only the officers and a very few orderlies or sepoys

* Affidavit of Sheik Mohammed Amin Meyher.—Printed in the Appendix to the "Narrative of the Insurrection," p. 184.

in that place. It also happened, most unfortunately, that about three hundred soldiers of the Raja were permitted to remain in the external court, where the two companies of sepoys were. 26 Apr. 1792.

Upon the collecting of all this force, they became more and more tumultuous. It was very easy to be seen for what purpose they were collected, and what must be the event of all this preparation—that they would very soon execute it. It is stated in the Charge, after taking notice of all the particulars about the turban and all the letters that were written and so on,—

Description of the outbreak in the Charge.

"That he wrote several letters full of distress and submission and apparent despondency to the said Warren Hastings, who took little notice of the same; and, a sudden affray having arisen, in consequence of the march of a quantity of sepoys to reinforce the guard put over the Rajah, and in consequence of the insults and indignities offered to him, and a part of the said guard having been destroyed by the fury of the populace enraged by the outrages offered to their prince, in their presence, and the Rajah having fled for safety during the tumult to a fort in the neighbourhood, he, the said Rajah, did immediately and at divers and sundry times afterwards send other letters of submission."

This states that a part of the guard had been destroyed by the fury of the populace. Why, there was not one of the populace there! They were all picked soldiers collected beforehand, and the commanding officers, Munnihar Sing, Nunkoo Sing, Sadanund Bakhshi, some of them, came and seated themselves by the Raja. It appears that the Raja desired, about twelve o'clock at noon, I think, to perform his ablutions, and, in a short time after, to perform his devotions. A right honourable Manager stated that the interruption given to him in his devotions deserved what followed, and that the manly spirit of the Raja's people did that which every person would wish his friends and servants to do upon a like occasion. God forbid they should! I mean the right honourable Manager who made an eloquent speech at the close of the evidence on this Article: he said that the chobdar was "the vilest of mankind"; a chobdar was sent, who insulted him and interrupted his devotions, and therefore it was that what followed was the exercise of a manly spirit.*

Statement of Cheyt Sing being interrupted in his devotions.

True circumstances of the case.

Attempt of the people

Now, my Lords, what is the account given by the evidence of what actually passed? The people, on the outside of the walls, whose entry was resisted by the exertions of

* See Mr. Burke's "Observations on the Evidence on the First Charge," vol. i., p. 367.

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to obtain access to Cheyt Sing by force.

the guard, had made two attempts to burst in before ever the arrival of his chobdar. In consequence of that attempt on their part, there was discovered another unfortunate want of precaution, but in which certainly Mr. Hastings had no concern—that the two companies who went there had gone without ammunition. These circumstances connected—the guard going without ammunition, and the neglect of the orders to prevent the armed men stationing themselves as they were—seem to me to have been instrumental in enabling the Raja's people to do what they did. A message was sent for ammunition; in consequence of which, a party was immediately despatched, under the command of Lieutenant Burrell, to convey ammunition to the place where they were stationed. The soldiers of Cheyt Sing opposed Lieutenant Burrell's detachment, and prevented them from marching to the assistance of the two companies at Shewalla, and conveying to them the ammunition. Lieutenant Burrell immediately despatched a note back again to his own commanding officer, to inform him that he was opposed and to know whether he should press on. At this time every moment was certainly very precious. The distance was, I think, a mile and a half from the place where Mr. Hastings was, and some time elapsed. Upon the arrival of the messenger communicating this intelligence, Mr. Hastings immediately desired that the chobdar—for the munshis, the persons who write the correspondence, were gone—he desired the chobdar to go and communicate to Cheyt Sing that if any mischief happened he must be responsible for it. At the same time, the chobdar carried a note to Lieutenant Burrell from Major Popham to press on. The same messenger, therefore, carrying both the messages, when he came to Lieutenant Burrell's troops left the note with him which ordered him to march on, and he went on to the Raja to deliver his message. It is said that this person who conveyed the message was one of the vilest of mankind—a tipstaff, a bailiff, an insolent fellow; and that it was an insult to send such a person. I believe, the sending him was not the act of Mr. Hastings, but of Mr. Markham. He was Mr. Hastings' chobdar; he was a man near sixty years of age, a Brahman, a man of the first class of persons who could be sent upon such an occasion, a man that attends upon persons of rank, one who was constantly sent in the intercourse of messages between one considerable man [and another]; and this very person, in all the communications with Cheyt Sing, had been constantly sent by Mr. Markham,

Despatch of Lieut. Burrell for ammunition for the guard.

A chobdar sent by Mr. Hastings with a message to Cheyt Sing.

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and a person of similar rank was always sent by Cheyt Sing to the Resident. All messages of this sort were conveyed by a chobdar; and there was nothing in the person, address or conduct, of this man that seems to me to have made him an unqualified person, at the time when there was little choice of persons by whom to send a message.

Manner of delivering the message.

But it is said that the message was delivered in an improper manner, and at an improper time; that it was delivered in an insulting manner, accompanied with expressions improper and indecent to the Raja. He might interrupt him at an improper season—supposing the situation had not required it—but the message delivered to him you will find stated in pages 236 and 251, in different affidavits. It is said, the words in which it was conveyed and the manner were disrespectful; but the substance of it was this—to intimate to Cheyt Sing that he must endeavour to prevent the mischief, for otherwise he would be confined or be made responsible for the consequences. This man was put to instant death for the insult that he offered. That was what he deserved, and they did "what everybody would wish his friends and servants to do upon a like occasion!" I should have thought, however, that the death of one person might have been sufficient to expiate an insult in expression; and that, at a time when we are considering Mr. Hastings to have been guilty of tyranny and oppression, and of a high crime and misdemeanour, merely for putting Cheyt Sing under an arrest for a breach of duty—for a breach of his engagement for several years together—that those who dispute the propriety of Mr. Hastings' conduct might yet think instant death a fit punishment for an insulting expression. But the death of one, I should have thought, might have expiated it. It happened, however, that there were, I think, eighty or ninety grenadier soldiers massacred instantly upon the spot. Was that deserved? Was that proper? Is that justified? Your Lordships will find that, after all this, the conduct of Cheyt Sing is defended!

Massacre of soldiers.

The massacre not caused by the insult offered by the chobdar.

My Lords, that massacre is attributed altogether to the insult of the chobdar. It is impossible from the description of the place that it could have been so; because it appears that the message delivered was in an internal enclosure, and that, though that person was immediately destroyed, yet, at the same instant, there began a firing upon the outer wall. Your Lordships will find, in all the accounts given of this dreadful business, that the firing began upon the outer wall,

26 Apr. 1792. in a place where it was impossible they could have seen the chobdar or heard a syllable of what he said.

But it is said—"How should it happen that at the same moment the chobdar was murdered and the firing began, if it was not occasioned by the insult given by the chobdar?" Why, the account I have given of the transaction clearly explains that; because, the chobdar having previously left with Lieutenant Burrell an order to march on with his detachment, the moment he did march on it was the troops of Cheyt Sing, who had opposed him and resisted his march, who knew that he was bringing ammunition to the companies within and that that was the moment of resistance, who immediately from that outward wall fired upon Lieutenant Burrell's party; and they killed twenty men. That was the signal. They rushed in and destroyed immediately the two companies of sepoys. Every man was cut down with savage barbarity; the officers and troops were all destroyed upon the spot. This is the sudden affray by the fury of the populace!

Escape of Cheyt Sing to Ramnugur.

In consequence of this, the Raja was rescued from that arrest; he was let down by turbans into a boat, and he was conveyed immediately to Ramnugur, a fortress on the other side of the river. The next accusation against Mr. Hastings, having passed over in the way that I have stated the little, trifling, circumstance of the murder of the sepoys, is—

Charge against Mr. Hastings of rejecting Cheyt Sing's offers of submission.

"That the Rajah having fled for safety during the tumult to a fort in the neighbourhood"—

the tumult was an accidental circumstance, raised without his knowledge or privity: he flies for his own safety, for life, as much as any body else—

"having fled for safety during the tumult to a fort in the neighbourhood, he, the said Rajah, did immediately, and at divers and sundry times, send other letters of submission to the said Warren Hastings, requesting permission to justify himself from the charges brought against him, and offering to submit in all things to the pleasure of the said Warren Hastings, who, nevertheless, constantly and peremptorily refused to answer or to listen to the same."

Now, my Lords, it certainly is very true that Mr. Hastings refused to answer or to listen to any of these letters. If he had done otherwise, I should have been very much at a loss to have said anything in his defence. The first of the letters was sent to him, I think, upon the 20th or the 21st of August, the massacre having taken place upon the 16th. The Raja first went to Lutteepoor from Ramnugur, accom-

First letter of submission written on the day of a second massacre of troops.

panied by Munnihar Sing, and there assembled a rebel force, a list of which* is given to your Lordships from one of his own officers; and it appears to have collected in a very short space of time—amounting to the number of 22,190 men, increased afterwards to the number, I before had occasion to state to your Lordships, of 40,000. The first letter, as I stated, was upon the 20th or the 21st of August—on the very day when a second destruction of troops at Ramnugur took place, in the unfortunate business attempted by Captain Mayaffre and Captain Doxat, both of whom unfortunately fell a sacrifice. The rebels destroyed them both, and I think a hundred and seven men were killed at Ramnugur. The heads of Captain Doxat and Captain Mayaffre were struck off and carried about the streets in triumph: they were afterwards conveyed as a present to the Raja. 26 Apr. 1792

On this day a letter was sent to Mr. Hastings. Mr. Hastings says he regarded it as an artifice to gain time. Your Lordships will be able to judge, under the circumstances in which it was written, whether it was not absolutely so, when it appears that, on the very day—the 21st of August—that this letter was written, preparations were actually making—scaling ladders and other things are spoken of by the witnesses—for attacking Mr. Hastings and the remainder of his party at Mahadew Dass's garden.

Regarded as an artifice to gain time.

Preparations to attack Mr. Hastings.

That attempt was prevented by the retreat of Mr. Hastings to Chunar, that very night, when it was actually to have taken place. It would have taken place a little sooner than it actually did, but from the circumstance of the troops under the command of Sujan Sing, when about to cross for the [purpose of] attacking Mr. Hastings, having refused to go without refreshment. They had been kept some time without food, and that retarded the execution of the business. It did not take place when it was intended; but Sujan Sing with his party took possession next morning of Mahadew Dass's garden and plundered it.

His retreat to Chunar.

The same day on which that letter was sent to Mr. Hastings, were three other letters sent to Colonel Blair and Captain M'Dougal, for the purpose of preventing the arrival of the force from Chunar, which Mr. Hastings had sent for to his assistance at Benares—a distance of about twenty miles from Benares. That letter had been sent for the purpose of amusing Colonel Blair and Captain M'Dougal; to represent to them that an attack was meditated that night upon Chunar, and that, therefore, they ought not to leave

Other letters sent to Col. Blair to induce him to remain at Chunar.

26 Apr. 1792. Chunar, and representing to Captain M'Dougal that he had better go back, for there was an armed force that would intercept him in the way, and prevent his getting to Benares. However, Captain M'Dougal marched on and never saw anything of the force. All that intelligence, and there can be no doubt but that all the letters of the same description, were for the purpose of detaining Mr. Hastings at Benares, and Cheyt Sing that very night would have saved him the trouble of sending any answer to his letter.

Perilous position of Mr. Hastings.

Mr. Hastings, pressed as he was with the remnant of followers, I think of only four hundred and fifty men, having all the communication of the country cut off—for Cheyt Sing prevented any intelligence being carried of Mr. Hastings' situation, to prevent any force coming to his assistance—Mr. Hastings, with four hundred and fifty men in Mahadew Dass's garden—a place ill calculated for long resistance, and without any resources either of money or provisions, if it had been a fit place for resistance—Mr. Hastings, having repeated intimation that an attack was meditated, was kept doubtful for a time. He was unwilling to seem to retreat before the face of a rebel; but Mr. Hastings did not think—and I hope your Lordships will think that in that instance he acted agreeably to that manly spirit and intrepidity which bore him out in all his dangers—Mr. Hastings did not think it fitting for the first member of the British Government then to receive a letter from a rebel in arms, at the head of a rebel force, who was that very day destroying the English. It appears in evidence before your Lordships, that Mr. Hooper, an English merchant, relying on the innocence of his profession, was seized as he was passing by and murdered by the people under the command of Sujan Sing.

Impolicy of making terms with a rebel in arms.

Mr. Hastings did not think it fitting to offer any terms of accommodation or to receive offers of justification from the Raja, who was at that time at the head of this rebel force. After what had happened, Mr. Hastings went to Chunar. There he endeavoured to assemble the troops of the Company to quell the rebellion. What was the conduct of Cheyt Sing? It is said, that, with respect to what happened at Shewalla, it does not appear that he gave any immediate orders for that which actually passed. I admit that there were no immediate orders at the hour; but the general orders he had given—that they must go and overawe the representative of his sovereign—the general directions he had

Responsibility of Cheyt Sing for the massacres.

given to his troops naturally led to what followed. He had laid the train of gunpowder and it required only the match to light it. He had instructed his officers, he had instructed his soldiers, what his general purpose was. They could not but know it. They knew it would be acceptable to him to do what they did. The murder of the chobdar, of the maulavi, of Lieutenant Stalker and the other officers, was perpetrated by Munnihar Sing and Nunkoo Sing, the confidential relations of Cheyt Sing. But does Cheyt Sing afterwards disavow it? Does he give up the authors of these murders? On the contrary, all the perpetrators of these horrid [massacres] were received in confidence, and he, in league with them, erected the standard of rebellion; and, in all his letters, though he talked upon the subject, he never once made an offer—indeed it was the furthest from his thoughts—to abandon them or their purpose, or to show the least disapprobation in a substantial way of what they had done in his presence.

His support of the authors of them.

I conceive that conduct as adopting all that had been done at Shewalla, making him responsible as an accomplice in the foul murders at Shewalla, by afterwards leaguing in the way he did with those who perpetrated them. If it had not been so, what was the remaining conduct of Cheyt Sing? And here again, though it is stated in the charge what letters he wrote afterwards, yet from some extraordinary circumstance it has happened that all the letters he was writing, of a different description, at the same time and with the same pen, which he was distributing all over the country, under his own hand and seal, for the utter destruction and subversion of the British empire and of the English wherever they could be met with—these letters have unfortunately escaped notice!

Other letters written at the same period by Cheyt Sing.

I will just refer your Lordships to the evidence there is upon this subject; and, in order to make it intelligible, your Lordships will find that at this time there were stationed in the country immediately adjoining to Benares English troops, in charge of a part of the Nawab Wazir's country. The Nawab Wazir, who was intending to meet Mr. Hastings at Chunar, had directed that the troops who were commanded by English officers should be assembled to meet him at a place called Akberpore. Cheyt Sing had at this time and for some time before received into his country, as before stated, several of the rebels who had fled from that country, the next adjoining to his own. Upon the breaking out of

English troops stationed near Benares.

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Endeavour of Cheyt Sing to prevent their joining Mr. Hastings.

his own rebellion, he immediately furnished these persons with money and troops, for the purpose of cutting off the English officers and persons stationed in the adjoining country, and preventing them coming to the assistance of Mr. Hastings, or even joining the Nawab Wazir who was upon his march to meet Mr. Hastings.

Co-operation of the Begums.

In the whole of that conduct your Lordships will find the active co-operation and assistance of the Begums, who resided at Fyzabad, and whose jagirs were close to that country. As soon as ever the news of what Cheyt Sing had done could arrive, those who had promised him before assistance immediately acted in his assistance, and the name of Cheyt Sing and the Begums were in all the persons' mouths who were rising up in that adjoining country. The sepoys were mutinying and refusing to march into Benares, saying they would go to Cheyt Sing and the Begums. It is stated in an account by Major Macdonald, and is to be found in page 258 and the following pages, that he had intelligence about the 20th of August last that Cheyt Sing had, after putting to death three English officers and two hundred and fifty sepoys, fled from Benares and openly set up the standard of rebellion, inviting all persons who could procure arms to repair to him, and, by fighting under his banner, extirpate the Firangis. He learned from the Benares district that Cheyt Sing had summoned the Rajas of his own district to join him with all the troops they could raise, promising present pay to those bearing arms, and a remission of a year's rent to all who repaired to his standard; that Cheyt Sing's name was in everybody's mouth; that every Raja in that country had declared for him.

Intelligence throughout the country of Cheyt Sing's rebellion.

His letters to the Rajas to put the English to the sword.

Ahland Sing, a subahdar, stationed at Goruckpore, speaks of the country people lifting up their arms and crying out—

"The Doway* of the Nabob, Saadat Ally Khan, and the Begum has spread through the country; for the Rajah Cheyt Sing has destroyed all the English, and letters have come to the Rajahs to put the dependants of the English to the sword, wherever they may be found."†

Evidence of Denoo Sing;

In page 241,‡ there is the deposition of Denoo Sing, another subahdar, who confirms the report at Goruckpore, that letters had come from Cheyt Sing to all the zamindars, to this purpose:—"wherever there are dependants of the

* The acclamation of appeal to the sovereign power.

† Deposition of Ahland Sing.—Printed in the Appendix to the "Narrative of the Insurrection," p. 169.

‡ The reference is to the printed "Minutes of the Evidence."

English, kill and drive them out." There is another, in the same page, of Ram Sing, jamadar, who says that letters had arrived from Cheyt Sing at Benares, in which he said—"all the English are cut off; the government of the English is overturned; I have taken possession of the country. Do ye, the zamindars, establish your authority also in those districts." It was likewise publicly reported that Cheyt Sing had sent 1,500 rupees in specie to the said zamindars, to raise men and kill and drive out the dependants of the English wherever they might be. Kurdeal Sing, commandant, in page 242, says that the Rajas Ajeet Mull, Futtee Shaw, and Genoo Roy, had received 25,000 rupees from Raja Cheyt Sing to drive the English and all their dependants out of their districts.

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and of Rham Sing

Captain Williams has stated, in page 262, speaking of the mutiny of his troops—who rose upon him, their pay being in arrear, stating that unless their arrears were paid they would go to the Begums and to Cheyt Sing—that, while he was there, it was currently reported and given out by the rebellious Rajas that they acted in conformity to the orders they had received from Cheyt Sing, Saadat Ali and the Begums, to raise an insurection in the country and to destroy the English wherever they found them.

Intercepted letters of Cheyt Sing.

Added to all this, there are, in page 253, letters, which were actually intercepted, in the handwriting and under the seal of Cheyt Sing himself. I will state the very words of a letter from Cheyt Sing to Dadjoo Sing—

Letter to Dadjoo Sing

"Great misunderstandings have come to pass between me and the English, I, therefore, direct you with your people to join me the moment you see this order. Every encouragement and support shall be given you by me; let your mind be at rest, and come with speed. Wherever you meet with either Europeans or sepoys plunder and cut them off. Consider this as particularly enjoyned.—Written the 4th of the month Baudoon."

Superscribed by Cheyt Sing in his own hand—"The contents approved." The covers directed to Dadjoo Sing and sealed with the seal of Raja Cheyt Sing.

This letter, I should have thought, might have been mentioned, as well as Cheyt Sing's general professions of submission, of which Mr. Hastings took no notice.

In another letter to the same person, he says—

Second letter to the same.

"It appears that you are united with the English: I, therefore, write to you that, living as you do under my protection, the taking part with them will be attended with bad consequences to yourself. I direct that, immediately on the arrival of this order, you join the Rajah, Futteh Sing, and see the enemy. In this only you will find your advantage. Consider

26 Apr. 1792. the above as most strictly enjoined.—Written the 10th of the month Kawwar. If you act according to these orders you will obtain honour thereby."

Superscribed by Cheyt Sing—"The above is strictly enjoined." The cover directed to Dadjoo Sing, and sealed with the seal of the Raja Cheyt Sing.

The man who is here named is one of the very rebels whom we charged him with having previously received into his country, which he denied, who was afterwards sent by him with directions to his own adherents to join him.

Orders issued by Cheyt Sing for proceeding against the English.

At the same time that he was writing these letters he was also issuing orders calculated to produce a similar effect. In page 236 there is an account of a proclamation issued by Cheyt Sing—

"The Aumeen, Diram Ally, caused a proclamation to this purpose to be made through the city:—'In the House of whomsoever a person belonging to the English gentleman may be secreted, let the owner bring him to the Aumeen's Kutcherry and deliver him up; otherwise, upon proof, in the house of whomsoever a person belonging to the English shall be found, the owner thereof shall be considered as a criminal to the government of the Rajah, his house and property shall be destroyed, and his belly shall be ripped open.'"

This was the humble and submissive Raja who was writing these humble and submissive letters which we took little notice of!

His efforts to raise troops.

It is mentioned by Colonel Hannay, in a letter that he wrote at this period, that the principal zamindars and Rajas had all certificates, under the seal of Cheyt Sing, that he would supply them with whatever money they might require for subsisting all the troops they can raise—

"It is the general belief of every man in this part of the country that the conduct I have related is a concerted plan for the extirpation of the English."

There are other proclamations, of which evidence is given in pages 237 and 251, which I will not trouble your Lordships with.

Butchery of 14 soldiers.

Besides this, at the time that Cheyt Sing was writing the letters which Mr. Hastings is accused of not adverting to, one of which was delivered, I think, upon the 5th of September, upon the 3d of September happened another transaction of extreme barbarity, committed under the immediate orders of Cheyt Sing himself, upon the persons of fourteen soldiers belonging to the English who had not even been in arms against him, who were left sick at Mirzapoor. They

were carried from thence prisoners to Lutteepoor, where the Raja then was. They were carried into his presence at night; and the next morning they were, by his orders, all of them butchered in cold blood upon the spot. Fourteen of them were brought out on the morning of the 3d of September, almost famished; victuals were set before them, whilst they were kept at a distance with their hands tied behind them, to amuse them with the spectacle. After they had been kept in that manner two hours, when their death warrants were all sealed, they cut and hacked them down, one by one; and one only of the miserable persons survived to tell the story, and his deposition is now in evidence before your Lordships. This was the conduct of this man upon the 3d of September; and the letter that arrived upon the 5th [is one] of those which Mr. Hastings is accused for not having paid any attention to. 26 Apr. 1792.

There is another instance likewise of cruelty, of an inferior sort, but it shows the rancour and animosity with which this rebellion was carried on against the English nation. Two soldiers of Major Crabbe's detachment, who had wandered from the line, were taken and murdered at Gova Gunge. I have stated these few instances for the purpose of showing that, added to the guilt of the rebellion, it was conducted in such a manner that, if it had not been preceded by any misconduct on the part of Cheyt Sing, I should have thought Mr. Hastings must have had very little sense of his duty to the Company or to this nation, if he could possibly have listened to any letters written by Cheyt Sing, or entered into any term of accommodation with him. Mr. Hastings certainly never entertained any such idea.

The outrage committed by Cheyt Sing sufficient to prevent the acceptance of his proposals.

By the active co-operation of the British troops who came to Mr. Hastings' assistance, and who were engaged against Cheyt Sing in a successful attack upon the 3d of September, at Cuttar, and afterwards in a more decisive one at the same place upon the 20th of September, the Raja was entirely routed and defeated. He fled, about the 22d or 23d of September, with a few of his followers, abandoning his project, but not till he found he could not carry it into execution. It is stated that Mr. Hastings, after this—

Defeat of Cheyt Sing.

"wickedly, arbitrarily and tyrannically, expelled the Rajah from those territories which he held by virtue of the repeated agreement with the Company, and to which he had not forfeited his right by any acts by him, the said Rajah, done or omitted, previous to the violent and unjust imprisonment aforesaid, in consequence of which arrest and expulsion an unjust war arose, much blood was shed"—

Charge of expelling him from his territories.

26 Apr. 1792. and so on. All which bloodshed, war and confusion, are solely imputable to the misconduct, violence, tyranny and criminal improvidence, of the said Warren Hastings. Cheyt Sing was innocent from the beginning to the end. No guilt in him, and the whole guilt was Mr. Hastings'!

It is stated that, in consequence of the arrest and expulsion, an unjust war arose; the expulsion not having taken place till after the war was over, for the expulsion was the consequence of a proclamation and declaration of his having forfeited his zamindary by his conduct; and yet it is stated with great accuracy that, in consequence of the expulsion, that war arose—which was an event that did not happen till afterwards. It is stated then that—

General charge of extortion and oppression.

"In all these acts of repeated demands, extorsive exactions, arbitrary arrest, and final expulsion of the said Cheyt Sing from his dominions, upon pretences, many of which were never suggested or alleged by the said Warren Hastings till after the said expulsion, and in various other acts, by him, the said Warren Hastings, done and committed towards the said Rajah, he the said Warren Hastings has in many and various instances acted contrary to the truth reposed in him, to the faith of solemn treaties, to his own declared sense of his duty, and, thereby, greatly disgraced and discredited the character of the British nation in India."

Throughout, therefore, from the beginning to the end, the whole is imputed to Mr. Hastings. All the demands made by him are considered as extorsive exactions; all his endeavours to enforce them are considered as tyrannical and oppressive; his accusations of nonperformance are considered as false, wicked and malicious; his arrest as arbitrary, and his final expulsion of him constitutes one of the crimes of which he is accused. Having detailed all the evidence upon this subject, I do not mean to trouble your Lordships with any recapitulation of it. Your Lordships will be to judge how far, in the treatment of Cheyt Sing, Mr. Hastings was in any respect guilty of any harshness. From the beginning to the end, I conceive that, throughout, he was justified in the accusation against him, that he was justified in the arrest, and that he was justified in not listening to any terms of accommodation with him after the conduct that Cheyt Sing had observed.

Charge respecting the attack on Bidjey-Gurh.

My Lords, having observed what relates to the personal treatment of Cheyt Sing, I proceed now to advert to the remaining subjects that are made matter of charge against Mr. Hastings, subsequent to that event. One of them is immediately connected with the rebellion, and relates to the

attack of Bidjey Gurh; and that is represented in the next paragraph to be criminal in many respects. It is stated to have been an attack upon the place of residence of Panna, the mother of the Raja, and the surviving women of the family of Raja Cheyt Sing:— 26 Apr. 1792.

"That Mr. Hastings, for the purpose of the directed attack, did order a body of troops to march and dispossess them of their residence, and to seize upon their money and effects, without even pretending that they had committed any offence whatsoever, and without even inquiring whether the treasure contained in the fortress of Bidjey Gurh was the property of the said women or of Cheit Sing; that the said Warren Hastings did neither then nor since alledge or attempt to prove that the said ladies were ever concerned in the remotest degree"—

and so on; considering this and the other subject that is connected with it, namely, the treasures that were found in it, as criminal in various points of view—in respect to the place; in respect of the person; and in respect of the orders that were given, and to the treasures that were found there.

The fort resorted to by the women of Cheyt Sing's family.

My Lords, the place was a fort, one of the strongest in India, erected upon a hard rock seven hundred and forty-five feet perpendicular, garrisoned by seven hundred rebel troops, and in which, when the Raja fled, the women of his family took refuge, but who never made it the place of their residence before, and who went there as the only remaining fort that was in the possession of the rebels. It is represented as a crime in Mr. Hastings to attack that place; that, when the whole province had been restored to its obedience, it was criminal to attack the only place that stood out, because it was inhabited at that time by these persons. Why, my Lords, it appears by the testimony of Colonel Gardiner that the Rani, who is mentioned here, had the command in the place, and issued her orders to the bakhshi or to the officer of the forces there, which consisted of seven hundred men, who fired frequently upon our troops and destroyed a great many of our men during the course of a siege that lasted six weeks. And yet it is represented here to be a crime to attack that place! What, were you to leave the rebels in possession of that place, because there were persons of this description who took refuge there? Could we consider the persons in any other character than as rebels, commanding a rebel fort garrisoned with a rebel army?

The fort defended against the Company's troops by the Rani's orders.

The treasures found in the fort.

With respect to the treasure that was found there, after Cheyt Sing had carried off upon the backs of a great number of camels all his jewels and a great part of his wealth, it

26 Apr. 1792. appears that there was ultimately found a treasure to very near the amount of 400,000*l.* The orders that Mr. Hastings gave upon this subject is made a matter of crimination against him. The letters that he wrote as applied to this subject of the treasures ultimately found there, and which were distributed by the army amongst themselves—that distribution of the treasure found there is represented as a criminal act; that Mr. Hastings was the author of it; and that he is responsible for it, because it was bringing ruin and destruction upon the army to have done so; and it is stated that, after he had done so, he was guilty of fraud to the army in retracting it, and then endeavouring to get as a loan what he had before given them encouragement to think they were to have.

Mr. Hastings' letters to the commanding officer of a private nature.

Now, upon this subject, which I certainly shall not go into a particular detail of, the substance of all I have to say is this—not that the letters written to the commanding officer upon that subject, being of a private nature but written upon public subjects, are not to be considered, with respect to all the orders they contain, exactly the same as public orders, yet that, in the construction of letters of that sort, written in a more loose and unguarded way, it is material to consider, that they were letters of that sort; and, when they are looked at, there will not be found in these letters any orders to warrant what was done. It was the act of the officers and soldiers, without any authority from Mr. Hastings to do it.

There are two letters, I think, principally rested upon, and from which extracts are taken—the letters of the 22d of October and the 3d of November. These two letters were written prior to the surrender of the fort, at the time when overtures had passed between the Rani and the commanding officer. I am perfectly ready to admit that in both these letters Mr. Hastings intimates an idea floating in his mind, prior to his knowledge of what the treasure ultimately would be, that he did intend that the detachment should have it; but that they should have it through the medium of a regular grant from the state to whom it belonged. With that idea in his mind, he writes to the commanding officer directions to secure, and to take the proper steps to prevent any further means of the money that might be there being carried away, as some had been, by the rebels during the siege. Mr. Hastings intimates to the commanding officer that he should use for that purpose the

Intention of Mr. Hastings that the troops should divide the treasure.

Order to prevent the treasure being carried off by the rebels.

proper means to prevent any stratagems to take away a part of the treasure. He says, "it will be your business to secure it for yourself and your detachment;" meaning that himself and his detachment should have it, but not to say they were to have a scramble for it, to divide according to their own authority; but merely intimating to them his ultimate intention, as he explained it by a letter he wrote at the very time, that he intended it for them, but intended it through the medium of a regular authority. The officers did not wait for any authority; but on the day after the capture they divided the whole, without any orders, directions or authority, for the purpose. I can easily account for why the officers should have been induced to do what they did. It appears, from the evidence before your Lordships, that all the officers were clearly convinced in their mind that they were intitled to the booty taken under these circumstances in the attack of a fort; that whatever they took belonged to them *de jure*; that by the usage of the service they had always had it, and they conceived it to be their right. 26 Apr. 1792.

Division made of the treasures, without authority.

I will just read one or two extracts from the officers' letters, in order to show that I am justified in that assertion. In one letter, which is in the 286th page of your Lordships' Minutes, written by Major Popham, he says,—

Extracts from the officers' letters.

"From the usages of all services I have ever heard of and had the honour to be employed in, I was firmly of opinion that the right of plunder was vested in the captors. The instances of plunder being shared, in this and other countries, without any prior application to the members of Government have been many, and it would be only, sir, intruding on your patience to enumerate them."

Major Popham.

And in the same letter he says,—

"They did not admit of the doubt of the contents of the fort of Bedjegur being their prize."

In a letter signed by forty-nine of the officers, they say,—

Letter signed by forty-nine officers.

"We did conceive that any money and effects, warlike stores excepted, taken consequent to a capitulation was the undoubted property of those whose lives are risked in the acquisition."

That letter is to be found in the next page. They say,—

"We conceive Mr. Hastings' letter to be an imaginary admission of our right. We were influenced to believe that no doubt existed as to the validity of our pretensions, from many reiterated precedents in point occurring to our reflection to confirm them."

It is not to be imagined that military men are acquainted with the niceties of legal distinction. The usage of the

26 Apr. 1792. service can be their only guide, and, if they adhere strictly to that and yet err, we do not apprehend that any just imputation of guilt can result from their ignorance.

Capt. Hamilton.

In page 289, Captain Hamilton says, after stating that he had incurred debts to a considerable amount from the service of eleven years in a subaltern line,—

> "I, on receiving my quota of the prize money, remitted it to the liquidation of those debts; as, being present at the capture of several more important fortresses, the prize money was without hesitation immediately divided among the captors."

I only state these few extracts for the purpose of showing that the officers had themselves an idea of their own right.

Misconstruction of Mr. Hastings' letters by the officers.

The letters written by Mr. Hastings being addressed personally to an individual, and not being calculated for public view, not being in the nature of official documents, were written in that unguarded manner that letters are written of that nature. But, my Lords, they are perfectly referable to the explanation immediately given of them, namely, that they intimated nothing but an idea of a future intention, through the medium of a regular grant. That the officers should, if permitted to see those letters, put a different construction upon them I can easily conceive; because they say,—"We are clearly of opinion we are intitled to it. Mr. Hastings says we are to have it; and the medium through which we are to have it, we conceive"—say the officers—"to be the medium of our own right. We conceive no grant necessary." And that seems to account why the officers, without any reference to Mr. Hastings in the report of the amount of the treasure, should, the next day after the capture of that place, divide it immediately among themselves, and afterwards refuse to deliver it up.

I trust, therefore, that no blame upon that subject will lie upon Mr. Hastings. I do not mean to impute any to the officers for stating the impression upon their mind at that time; and, being at that time pressed much by the distresses they had sustained in a long and perilous service, they might easily believe that to be the sense of the letter when showed to them, they being convinced in their own mind of their own antecedent right. It is quite enough for Mr. Hastings' defence to say—that the act was not his.

Plunder of the followers of the Rani.

With respect to another consideration of this, namely, that these letters, which are called "Orders," produced, in point of fact, an effect upon the army in stimulating them to rapine and plunder, which is stated to be the cause of the mischief

which followed, namely, some of the followers being plundered after the capitulation had taken place—the attributing that to this letter is directly refuted by the evidence given upon that subject, which shows that the circumstance which took place was the result of a mere accident, committed in consequence of the misconduct of the Rani herself, in having played with and deceived them, from the morning when she was to have surrendered the fort till twelve o'clock at night; and in consequence of coming out at that time of night it was that some of her followers were plundered.

Charge of harsh treatment of the Rani.

With respect to the treatment of this woman, Panna, it is represented that Mr. Hastings violated all the attentions that were due to her sex, [in a way] particularly offensive to the manners of the East and the respect there paid to the female sex :—

"And did further prohibit Major Popham, or the commanding officer of the army employed in the above service, from entering into any conditions with the said mother of the said Rajah even for a provision, and did declare that, if she disappointed certain expectations, or did not instantly comply with certain terms which he the said Warren Hastings proposed to her in consequence of some overtures from her, he would consider it as a wanton affront and never would forgive the same."

Derived from two letters of Mr. Hastings.

Now, my Lords, these are pieced extracts from two distinct letters—one of them written upon the 22d of October, the other written upon the 3d of November; the first of them being a letter written in consequence of overtures being made from the Rani, communicating offers which were thought not to be tenable, at a time when she was commanding the fort in open rebellion. Mr. Hastings says he will not consent to any engagement to settle any lands upon her not subject to the authority of the zamindar, nor to enter into any conditions with her even for a provision. That is, he will not undertake to settle upon the zamindar or upon the country any permanent imposition, to allow her either lands or money, as the condition of surrendering the fort.

The first, declining to enter into conditions for a provision for her.

The second letter is written thirteen days afterwards, after overtures had been made by the Rani containing new terms of accommodation; and it is then said, that Mr. Hastings said that he prohibited entering into any terms with her, and that he would consider it as a wanton affront. Now, my Lords, read the whole of that letter. Mr. Hastings, in the most humane and attentive manner, immediately accepts the whole of the terms she herself offered! He directs his own steward, the diwan, immediately to go, furnished with all the materials for the purpose of effectuating

The second, accepting her terms.

26 Apr. 1792. the exact terms she proposed; but he accompanies it with saying, that—

> "If, after I have sent from Benares to Bidjey Gurh, which is at the distance of forty miles—if after I have sent all this apparatus for the purpose of conveying her and all her attendants and of giving effect to all the proposed—if she who has delayed us six weeks should afterwards refuse to comply with it, then I shall consider it as an insult and affront."

Would it not have been so under these circumstances? And yet the latter part only of this is taken out, and all the preceding part, that showed he adopted the terms proposed by the Rani herself and directed his own people to carry it into execution, is omitted! Mr. Hastings said—"I have no doubt she will accept these terms." It was right to hold a firm language to a person who had so long trifled with them. It had the effect: she surrendered the fort, though she delayed from morning to the evening. But, immediately after she had surrendered the fort and had ceased to be in open arms against us, that moment is every attention shown to her by Mr. Hastings. Upon an intimation to him that some of her followers had been plundered in coming out of the fort, he writes a letter, which I will beg to state to your Lordships, to show with what very little truth it is represented that Mr. Hastings was defective in humanity upon this occasion. It is in page 284:—

His letter reproving the violence of the soldiery.

> "It gives me great concern that the licentiousness of any persons under your command should have given cause to complain of the infringement of the smallest article of the capitulation in favor of the mother of Cheyt Sing and her dependants. I hope you will discover the offenders and oblige them to make restitution, and also punish them in the most exemplary manner. I rely on your humanity and justice to make her all the recompence in your power by a scrupulous care to enforce the remaining stipulations in her favor."

That was the conduct Mr. Hastings observed to her the moment she ceased to be an open enemy. The moment she had capitulated and restored the place, he uses every possible attention to her. Besides this, though it is here stated that he opposed a provision for her and did not inquire whether the property there belonged to her or not, upon an intimation from her that she possessed real property in Benares and in the neighbourhood, Mr. Hastings immediately writes that she should be put in possession of both. He says, with respect to it,—

Order for putting the Rani into possession of her property in Benares.

> "The bearers, coolies, and other conveyances have been ordered for the women and their effects. The mother of Cheyt Sing, her family and

attendants, may reside wherever she pleases, and she shall be put into possession of such houses as are her own immediate property." 26 APR. 1792.

Therefore, Mr. Hastings did put her into immediate possession of this property. In consequence of that, the mother and wife and daughter of Cheyt Sing, with all their attendants, were escorted to Benares. They were then permitted to reside in every possible safety. They were afterwards, by their own desire, escorted by Lieutenant Hamilton to Allahabad, for the purpose of joining Cheyt Sing. They were met there by an escort sent from Madaji Scindia, in whose camp Cheyt Sing was. They had received a fifteenth of all the money found in Bidjey Gurh, amounting to 25,000*l.*, with all their plate; and they expressed in the strongest manner their gratitude and thankfulness for the humanity and attention they had experienced. So much with respect to the ill-treatment of Panna!

Humanity towards her.

I come now to the last head of this charge—the arrangements that were made subsequent to the rebellion and flight of Cheyt Sing. Your Lordships will find them to consist of the appointment of a new zamindar, of the name of Mehipnarain, and, a naib, of the name of Durbedgy Sing, and the settlement of the tribute, which was stated to be arbitrary:—

Charge respecting arrangements, subsequent to Cheyt Sing's flight.

"That he did further abrogate and set aside all treaties and agreements which subsisted between the state of Benares and the British nation, and did arbitrarily and tyrannically, of his mere authority, raise the tribute to the sum of 400,000*l.* sterling, or thereabouts; and did further wantonly and illegally impose certain oppressive duties upon goods and merchandize, to the great injury of trade and ruin of the province; and did further dispose of as his own the property within the said provinces, by granting the same or parts thereof in pensions to such persons as he thought fit."

Now, with respect to all these subjects of the arrangement that was made by Mr. Hastings in the year 1781, I confess myself I should rather have thought that they might have been resorted to as exhibiting proofs of the wisdom and policy of his government, in every one of the circumstances that are quoted. He appointed Mehipnarain. It is said that he abrogated the treaties existing between the state of Benares and the East India Company. What treaties existing between the state of Benares and the India Company? That proceeds altogether upon a mistaken idea of this being an independent state. Cheyt Sing was appointed by zamindary sanads. He had a grant given him of the zamindary: he had forfeited the zamindary of the Company. There was

Abrogation of treaties.

Benares not an independent state.

6 Apr. 1792.

Cheyt Sing's forfeiture of his zamindary.

then no obligation of treaties, but the property reverted to the sovereign upon the forfeiture of the individual to whom it had been granted. It was then competent for the Company to regrant it, if they had the power to do it. That power I have already shown to have devolved upon Mr. Hastings.

Appointment of Mehipnarain.

Now, did he exercise that power improperly in respect of the person elected? Mehipnarain was the grandson of Bulwant Sing; and Mr. Hastings, with a proper exercise of humanity, attention and policy, upon this occasion thought it better to elect a person next in succession, rather than to look out for a more capable stranger to put in that situation, because of the attachment that the people might have to the family that had been so long their governors. In consequence of that he chose Mehipnarain. He was the grandson of Bulwant Sing by a legitimate daughter of Bulwant Sing.

Mehipnarain's title to the succession.

I find that this very person, in the year 1770, when he was only eight years old, had been considered by many people in the country to be intitled—if anybody was intitled, of which I have stated very great doubts; but, if anybody was, he had a preferable right of succession even to Cheyt Sing himself, because he was a legitimate descendant, and because he was the son of a person that had not lost the caste; whereas Cheyt Sing was an illegitimate son, and was the son of a person of an inferior caste. Captain Harper states, in page 36 of the printed Evidence, that there were several competitors for the zamindary of Benares; among whom was a grandson of the Raja, Bulwant Sing, who was strongly supported by the Brahmans, because his mother is the wife of a Brahman; and to whom he gives the prior right of succession, for this reason—that Cheyt Sing is not the issue of Bulwant Sing's wife, but of a Rajpoot woman whom the Raja took into his family.

Upon that occasion, the Governor imagined it to be the partiality of the Brahmans to one of their own sect, and rejected it upon an idea that females were not intitled to succeed; that is, that you could not derive your title through a female, which Mehipnarain would have done—but in that respect they were mistaken;—and that, if anybody had a right at all to succeed, it would have been found that at that time the mother of Mehipnarain was preferably intitled, as the legitimate heir. But, undoubtedly, these were

fit subjects of consideration at the time when Cheyt Sing had forfeited it, and they had to look out for a new person. Mehipnarain's mother stood next. 26 Apr. 1792

Mr. Hastings states that he had entertained doubts about the preferable rights either of the mother of Mehipnarain, of the husband of that mother, or of Mehipnarain himself; and that he had intended, if it had been matter of contest, to have referred it to the whole body of pandits to decide; but that was rendered unnecessary by the surrender made by the mother and her husband in favour of the grandson, Mehipnarain. The consequence was, he was left the person next intitled in succession to the zamindary: he was the person chosen. He was at that time a minor, and, in point of personal talents, not qualified for the situation. He had been kept secluded from the world and business by Cheyt Sing, perhaps out of policy, and, therefore, not very capable of conducting his affairs; therefore, Durbedgy Sing was appointed naib, but who turned out afterwards to be very unfit for his situation. He was chosen only because he was the father of the Raja. I hope it will appear, in exercising that part of his duty, that Mr. Hastings paid proper attention to the rights and interests of all persons, and every attention to the province.

Charge of raising the tribute.

With respect to the tribute, he raised the tribute. He was about to make a new contract. It was, undoubtedly, competent to the Company to make a new contract upon any terms they thought fit; and, when a new contract was made, it was but reasonable to consider what was the real value of the thing they were about to grant. As to the mode of determining what the value was, Mr. Hastings applied to all the best documents that could be got for that purpose. Cheyt Sing had taken out of the country with him almost all the accounts of the revenues of the zamindary. There were a few left behind, which Mr. Hastings obtained from the Resident, containing an exact account of the collections in the prior year, amounting to fifty-three laçs. There was another account that was delivered to him by the new naib: and also another account of an officer who had formerly been in the employment. From those he ascertained what was the actual produce of the zamindary; and, after deducting every possible expense, and after restoring, what had been laid aside by Cheyt Sing, [the allowances assigned to distressed families and men of piety and learning, by which he recovered, to] 323 families in great indigence, the small

Care of Mr. Hastings to ascertain the value of the zamindary.

26 Apr. 1792. provision made for them, after making every deduction for expense of collection, there appeared a net surplus of forty-nine lacs. After making a competent allowance to the new Raja for his support, of the sum of six lacs and a half, and allowing his steward a sum of about 6,000*l.* a year, as a salary, there remained a net surplus, after making every provision, of the sum of forty lacs—at which it was settled. That is stated to have been the mode in which he settled it, in the evidence already before your Lordships, in page 295.

Disposal of the property of the province.

My Lords, it is stated, in the next place, that Mr. Hastings wantonly disposed of the property within the provinces as his own, by granting the same in pensions to such persons as he thought fit; from whence I should have [thought] that it had been some job done by Mr. Hastings in favour of his own particular friends and favourites. What were these pensions? There were three in number, given to three persons, in return for meritorious public services to the state —three natives, who are named and stated, with the ground upon which the pension was given to each of them. There was a pension in favour of a person of the name of Beneram Pandit. In page 122 of the printed Evidence, are stated the reasons why a pension was granted to that person. The passage is long and, therefore, I will not trouble your Lordships with reading it. It states the particular merit that Beneram Pandit had in the course of the rebellion at Benares.

The grants made to natives for public services.

Beneram Pandit.

In another place, in a letter that Mr. Hastings wrote, which is in page 151, giving an account, on the 21st of November, of the establishment he had made, he there describes the pensions that he had granted and the reasons for them:—

"I now proceed to the explanation of the particulars of the settlement, &c.: "To the merits of Beneram Pundit and his brother, on this occasion, I must add a long series of attachment and effectual service, from the year 1773 to the present time. Though the immediate servants and confidential ministers of a foreign state, to the constitutional members of which they have always professed an almost enthusiastic devotion, they have zealously adopted all my views for the promotion of a connection between their Government and ours. For this purpose, Beneram Pundit, at my requisition, made one journey to Nangpoor, and attended Colonel Leslie and Colonel Goddard in the first operations of their detachment. Another of the brothers still attends General Goddard in the same capacity, and has been of great use by his letters, in refuting the false representations which were made from Poona, to the Government of Berar of the events of the war. Beneram Pundit proceeded to Nangpoor, and, chiefly at my requisition, returned with a constitution much impaired by the customary effects of the malignant climate of the route lying between Calcutta and Nangpoor. To his influence I entirely

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ascribe the generous conduct of that Government to ours in many signal instances which stand recorded on our consultations, and will be universally acknowledged as such, when time shall have effaced the prejudices with which they have been, and perhaps still are, represented by some; and to him I owe the influence which I myself possessed with the late Dewan Demanger Pundit, and its effects while he was living. In the same spirit of common attachment, Bissumber Pundit, the younger brother, went, instructed by me, to Chimnajee Bauboo, the commander of the army, employed last year in the province of Orissa, and assisted Mr. Anderson in his negociations. In all these instances, I have considered and treated them equally as the friends of our Government and the faithful servants of their own; and, wherever I have been, one or both have been my constant attendants. If these services shall be admitted as meritorious, although they should be ascribed to motives of personal respect to myself, still let it be considered that it was in my character of the first and executive member of our state that I received such instances of it, or could have the means of inspiring it; and that I doubt whether a national attachment, in an alien breast, can either grow or subsist on any other principle. For all these united reasons, I have thought it incumbent upon me to recompense the merits of this family, by the seasonable grant of a public income derived from the settlement of the province in which they resided, and in the recovery of which to our authority they have made to themselves so near an interest. The first of these pensions is a jaghir granted to Beneram Pundit, of the yearly amount of rupees 25,000. I have already acquainted the Board with the faithful services of this man and his family during the late troubles, which I can take upon me to assure the Board, whatever was our opinion of them at the time, and however repugnant it may be to our national character to regard any situation of affairs with the eye of despondency, were considered universally by all but ourselves, equally by friend and by foe, as utterly desperate."*

It will be recollected that this person was the servant of the Berar Raja, whose army, consisting of 30,000 horse, had been inactive upon the frontiers of Bengal, entirely by means of the assistance obtained through the medium of this person.

Bundoo Khan.

The next pension was in favour of Bundoo Khan, whose name is affixed to a jagir of two hundred a year. [Mr. Hastings says of him]:—

"He is an inhabitant of the town of Chunar. He attended Captain Blair in the unfortunate attempt on Ramnagur, and in the battle fought at Patceta; and was of much service to that officer on both occasions, by his knowledge of the ground and by a natural good understanding, which enabled him to apply that knowledge to the incidents before him. This man suggested the expedition, which was afterwards formed, to take possession of the passes lying behind Lutteepoor by an unknown and secret route, and was himself the guide of the detachments."

Assistance at the battle of Patteeta.

Your Lordships will recollect that the battle at Patteeta, upon the 20th of September, was that which ended in the

* Printed in the "Minutes of the Evidence," p. 152.

26 APR. 1792. final overthrow of the rebel forces. The third and last pension was in favour of a person of the name of Jugger Naut Sing, late commandant in the third regiment of sepoys. [Respecting him Mr. Hastings writes] :—

Jugger Naut Sing.

["Having been strongly recommended to me by Colonels Muir, Auchmuty, and other officers of rank, whose recommendation at this time had particular weight with me, for a provision in his declining years, after having passed thirty of his life in faithtul and meritorious service, I procured for him a jagheer in the zemeedary to the yearly value of 1,200 rupees. I am persuaded that the Board will admit the expediency, as well as the justice and humanity, of making a more comfortable provision than our ordinary invalid establishment allows for such native soldiers as have merited the particular attention of their superiors; and I flatter myself that the present instance, as well as the principle on which it is founded, will meet their approval."]

I am so perfectly satisfied that it will also meet the approbation of your Lordships, that I shall certainly not detain you with saying a word more upon that subject.

Duties and customs.

The only remaining subject respecting this settlement was, the duties; and I confess I am a little surprised both with that being made the subject of charge, and with the evidence that was given upon that subject. The evidence upon it is in page 297; and it seems to me that the regulations made both in the duties and the customs by Mr. Hastings were extremely beneficial. Prior to the time when Mr. Hastings arrived at Benares, a very imperfect policy indeed prevailed upon this subject, by laying a general indiscriminate duty upon articles by the weight, without any reference to their value; and an article worth ten pounds or ten shillings, if it weighed the same, was subject to the same duty. Mr. Hastings thought, in which I should think he was not very unwise, that that was not a proper mode of ascertaining the duty, but that a more proper way would be to lay the duties *ad valorem*. Accordingly a five *per cent.* duty *ad valorem* was imposed. Before it had actually taken effect, it was found that five *per cent.* would press too much upon small articles.

Substitution of an *ad valorem* for a general duty.

Letter to the Directors.

"I shall trust to the candor of your honourable Board for my excuse in pointing out some articles on which a duty of five *per cent.* will be too heavy, and by which the collection would be injured, viz., mace, cloves, nutmegs, cinnamon and silk.

"The people who principally trade in these articles are the Maratta merchants, and a religious sect called Ahtects, who generally land their goods at Mirzapore, and from thence carry them by land and bullocks into the Deccan or to Delhy; and they find it more profitable to unload their boats at Patna, and carry their goods through Ramgur, than to pay so heavy a custom as five *per cent.* will amount to in the road from Patna

to Mirzapore. I know for certain that, on the rumour being spread in December last that five per cent. was to be levied on every article, by the directions of the honourable the Governor General, that the principal houses in the Deccan immediately ordered their Gomastahs to stop all their boats at Patna, and to send their goods by the route above-mentioned, if the duty of five *per cent.* was continued. I beg leave to lay before your honorable Board another proposition—whether it will not be judicious to reduce the five *per cent.* to two and a half on our own staple commodities, viz., broad cloth, European iron, steel and copper." 26 Apr. 1792.

And that letter of Mr. Markham's stating this is the evidence that was given before your Lordships to prove—

"That Mr. Hastings had wantonly and illegally imposed certain oppressive duties upon goods and merchandize, to the great injury of the trade and ruin of the province; that the general regulation of a five *per cent.* duty *ad valorem,* instead of a duty according to the weight, were oppressive duties in the province, because it was found that in mace, cinnamon, cloves and silk, it was found to be two and a half too much."

And there they stop in the evidence. If they would have been so good as to have read to the end of it, they would have found that the order made by the Board immediately prevented any possible bad effect, because the proposed alteration immediately did take effect of reducing the duty from five to two and a half; and, consequently, all possible inconveniences from this was prevented. The regulation was immediately adopted by the Board.

It appears, in the very same computation from whence the evidence is taken to prove the imposition of oppressive duties, to the injury of the trade and commerce of the country, that it was immediately prevented taking effect; and then, after it had taken effect with the improvements, looking at the whole regulation, it has a contrary effect, by regulating the duties and the customs in a way that operated very beneficially for the country.

Reference of the adjustment of the duties to merchants.

It appears in evidence before your Lordships, or if it does not it will be proved, that Mr. Hastings referred the adjustment of the rate of duties to merchants. With respect to some internal duties, that were found to be of a mischievous and impolitic nature, that rather operated as encouragements to vice, and those which operated to prevent the resort of pilgrims into the country by laying a tax upon them, Mr. Hastings removed them. He has relieved the country from all that were oppressive duties; and those that were continued were regulated in a manner to be beneficial to the

Removal of oppressive duties.

* Letter of W. Markham, Resident at Benares, to the Council, dated 20th of March, 1782.—Printed in the "Minutes of the Evidence," p. 297.

26 Apr. 1792. commerce of the country. The resort of pilgrims has been much increased, to the advantage of the province and very much to the credit of our Government.

Charge of removal of two naibs or stewards.

After this establishment had taken place, which it did in the year 1781, two other circumstances are made the subject of charge, and upon which I shall detain your Lordships a very short time:—the successive removal of two naibs, or stewards, that were appointed and found unequal to their task. First, Durbejey Sing. He was found to be a person that so conducted himself that he could no longer with propriety be trusted in the management of the country. He was removed, and was succeeded by another who was afterwards found equally insufficient. I certainly will not trouble your Lordships with going through all the evidence upon that subject, which will be laid before you, to prove a satisfactory and proper cause for the removal of both those persons, who were selected on account of their kindred or relationship, without a previous knowledge or trial of their abilities; but, being found eventually to be unequal to their situation, it was certainly the duty of Government to supply their places with persons that were more fit.

Durbejey Sing.

The consequences of Jugger Deo Sing's misconduct charged against Mr. Hastings.

It is a singular thing that, upon this subject, any charge of misconduct of these persons, and particularly the last of them, should be converted into matter of accusation against Mr. Hastings—that, because Jugger Deo Sing was guilty of oppression in the country, and of acts that were detrimental to the revenue; because he exacted a payment in kind when he ought to be paid in money; because he neglected to use the Raja's name in the instruments of government; because he had neglected to protect the inhabitants when some troops passed through, and by that means produced those appearances, which Mr. Hastings describes, of the villages being abandoned and of the traces appearing of the bad government of the naib—these are selected and made a paragraph in the Article before your Lordships. An extract is taken of a part of that letter, in which Mr. Hastings complains of the temporary effect of the misconduct of this person, and it is here exhibited as a proof of the misgovernment of the country, and converted into an accusation against Mr. Hastings, as the author of those oppressions which he complained of and instantly removed the author of; and yet, notwithstanding that, are these converted into accusations against Mr. Hastings!

Means for recovering

With respect to the means that were taken for recovering

the arrears from one of these defaulters, Durbejey Sing, the common and ordinary means were taken that are taken with every defaulter in the public revenue—by putting a guard on the outside of the walls of his garden: he had a house and garden of considerable extent. That is stated as a great hardship and a great oppression, when at that time he owed 80,000*l.* to Government. That they should put a guard over him and arrest him in that sort of way, to procure the payment of a debt due to Government—that is also made a subject of charge.

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the arrears from Durbejey Sing.

With respect to the situation of the country, it is then stated, as a conclusion of the whole, that the country was reduced to utter desolation and ruin by the acts of Mr. Hastings; that the consequence of all he did in this province, towards Cheyt Sing and towards the country, operated to produce the ruin of the country. No evidence has been given of that, excepting only the letter that is extracted in the 31st paragraph, which, your Lordships will recollect, describes the temporary effects produced by the bad government of an individual, and which would be corrected by the removal of that individual. He was removed. Another person was appointed. New regulations were adopted; and, instead of its having operated to the ruin and desolation of that country, from that time to the present the country has been gradually increasing in population and in wealth.

Charge of the ruin of the country

Your Lordships will recollect that, in consequence of the arrangements made by Mr. Hastings at Benares in the year 1781, a civil and a criminal court of justice were established. The kotwali was taken from the persons who had abused it, and established under the conduct of a person, who has frequently been mentioned, who has administered justice in that place with a degree of purity, perhaps, unrivalled throughout India—not exceeded in any country in the world—in a way that has not produced a single complaint, as one of the witnesses stated, from that time to this. The conduct of that excellent magistrate and the police of Benares, regulated in such a manner ever since, has been the admiration of all persons who have since visited it.

Establishment of a civil and criminal court.

With respect to the tribute that is stated to be oppressive, that tribute has been collected from that time regularly to the present; every farthing has been realised. It has been proved to have been all paid, except the balance due from that person I stated that died indebted to the Company. It is proved by Mr. Benn to have been regularly

Charge of imposing oppressive tribute.

26 Apr. 1792. paid during the period of his time, and the country at that time to be in a flourishing state. Your Lordships recollect the evidence of Mr. Benn upon that subject. It is in page 319. He was asked—

Evidence of Mr. Benn of the prosperous state of the country.

"'When did you see this country last?' 'I left Benares in the year 1786, I believe in February in that year.' 'What was the condition of Benares when you saw it last, in point of cultivation and population?' 'It was both well cultivated and peopled—the parts I saw.' 'Did you see Benares in 1783, and in what condition of population or cultivation was it then?' 'In 1783 I travelled from Benares to Buxar on one side of the river, and we travelled the same distance upon the other side of the river; I also travelled through the district of Benares to Chaundpore, which was rather a circuitous way over that district, and I found it both populous and well cultivated.' 'Do you know anything of it in the year 1784 and 1785?' 'I resided in the province of Benares in the years 1784 and 1785, and the description that I have given appears to be as applicable to those years as the others.'"

My Lords, that is the country that was reduced to ruin and desolation, of which an account is given up to the year 1786! In one of the latest documents that is received relative to the state of this country, which is dated on the 5th of November, 1790, I find written by the then Resident as follows,—

Report by the Resident, in 1790.

"Meaning to annex the report of the state of the collection of Benares for the Fusilly year 1197, which ended on the 23rd of September last, as a natural sequel to that of the first year of the permanent settlement, the voluminous papers concerning which are not yet all transcribed, so as to admit of being transmitted: I think it, however, proper to acquaint your Lordship that the full revenue to which the honourable Company is entitled, according to the terms of the settlement, concluded for the term of the Rajah's life by the late Governor General, has with due regularity and without any hardship or difficulty been realized, thereby exceeding the funds which were promised for the year in question, in my letter of the 26th of April, 1789. I have further the pleasure to assure your Lordship that I experience the heartfelt satisfaction of believing the country in general to be in a promising progress of improvement. But as this must, either in the affirmative or negative, be ere now a matter of public notoriety, and being besides, from its nature, unsuitable for me to enlarge on, I shall cheerfully trust to the result of all the other information your Lordship may collect concerning it."*

This is the history of the country up to the present time. Without going through the history of the intermediate periods of it, it is enough for me to state that the whole of this tribute, which is stated to have been "arbitrarily and tyrannically" imposed by Mr. Hastings, to raise it to the sum of 400,000*l.* sterling, has been found to be such as the country

The tribute easily borne by the country.

* Letter of J. Duncan, Resident at Benares, to Lord Cornwallis, dated 5th November, 1790.—Printed in the "Minutes of the Evidence," p. 1664.

could well bear and the zamindars regularly pay, leaving the country in a progressive state of improvement. If it could be so, I rather think that ought to be stated as a benefit derived to this country, where this nation has received, in consequence of the arrangements made in 1781, in a period of ten years, above 1,700,000*l.* more than it would have received under the former arrangements. And, surely, if a contract was to be made, and could easily and justly be made, by which that benefit was to be derived to the country, it could hardly be stated as a matter of charge against Mr. Hastings that he should "arbitrarily and tyrannically" raise the revenue to that sum. This is, I believe, the whole subject before your Lordships upon this Article. 26 APR. 1792

Permanence of Mr. Hastings' arrangements.

The arrangements that have been made by Mr. Hastings do all, I believe—or the greatest part of them—continue to the present day. To this day Mehipnarain is continued the zamindar, though this Article charges that Cheyt Sing was unjustly expelled from the zamindary. If he was so, I should think it would be very difficult to show why he has so long remained an unjustly expelled man, without any attempt for a period of ten years to restore him to that country. Mehipnarain, who, it is charged, was improperly appointed by Mr. Hastings, is still continued, and is the zamindar to this day by the public authority. That tribute which is stated to be unjustly raised has been received by the Company, without an idea of anybody to reduce it to a lesser sum. All the regulations of the country as to the duties are, and in every respect, continued to the present hour. No guilt belongs to the nation for all this, because great advantage is derived to the country from it. You have an unfaithful person expelled from it, who broke his engagements with the Company and justly merited what has happened. In every other respect the country has been united to us, in a way that admits of no danger. The military force, instead of remaining upon the thread of dependence of a temporary character on the Raja, has now been united, in a manner to leave no danger in a frontier country in its union with this state. The revenue, the population, the commerce, the police, the justice of the country—in every respect have been happily administered. No ill consequences of any sort have attended any part of the arrangements made by Mr. Hastings.

Having now gone through both the heads of the charge—that which relates to the personal treatment of Cheyt Sing

26 APR. 1792. and that which relates to the management of the province—after the great attention which your Lordships have done me the honour to pay me, I certainly shall not trouble your Lordships with any recapitulation upon this subject.

Contrast of Cheyt Sing with Mr. Hastings.

With respect only to Cheyt Sing, I shall observe that it cannot have escaped your Lordships what was the conduct of that person, who is selected to be the favourite hero of this charge. I entreat your Lordships to consider him and to consider the gentleman at your Lordships' bar—Cheyt Sing, who in the hour of our greatest distress endeavoured to destroy the British empire, and Mr. Hastings, the person accused, who preserved it.

Conclusion.

My Lords, I have now only to return my humble acknowledgments to your Lordships for the attention with which you have honoured me. I trust it will appear that I have not unfaithfully represented the evidence—I am sure I have not intentionally done so; that it will appear that, throughout all this Article, no one proposition of an accusatory nature against Mr. Hastings is well founded by the evidence that has been adduced. On your Lordships' wisdom and justice I rely with confidence for the event.

END OF THE SECOND VOLUME.